FLIGHT ATTENDANT DUTY TIME LIMITATIONS

(101-9)

HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

H.R. 638

TO PROVIDE FOR THE ESTABLISHMENT OF LIMITATIONS ON DUTY TIME FOR FLIGHT ATTENDANTS

MAY 17, 1989

Printed for the use of the Committee on Public Works and Transportation

U.S. GOVERNMENT PRINTING OFFICE

21-313 WASHINGTON : 1989

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

H641-38

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SUBCOMMITTEE ON AVIATION

HEARINGS ON

H.R. 638, TO PROVIDE FOR THE ESTABLISHMENT OF LIMITATIONS ON THE DUTY TIME FOR FLIGHT ATTENDANTS

WEDNESDAY, MAY 17, 1989

2253 RAYBURN HOUSE OFFICE BUILDING

SUMMARY OF SUBJECT MATTER

Background

To enhance air safety by preventing fatigue-caused errors, as well as to protect the occupational safety and health of crewmembers, the Federal Aviation Administration has established limitations on the uninterrupted duty times of, and imposed minimum rest periods for, pilots, flight engineers, flight navigators, air traffic control tower operators, mechanics and dispatchers.

No such limitations are provided for flight attendants, despite their many safety responsibilities aboard commercial aircraft.

Flight attendants must know the procedures to follow in the event of an emergency, such as operating ditching and evacuation equipment, first aid equipment, and fire extinguishers. They must be able to cope with rapid depressurization, cabin fires, evacuation of passengers, passenger illness or injury, skyjacking attempts, and other unusual situations.

In addition, their routine safety responsibilities include checking safety equipment before departure and assuring that carry-on baggage is safely stowed and passenger seats and trays in upright

position. They perform pre-flight briefings on emergency procedures and, most importantly, they must stay alert throughout the flight for any signs of an impending emergency in the cabin.

However, in the absence of regulations, collective bargaining alone governs the amount of time flight attendants spend on duty, and the amount of rest time they have between flights. Further, not all flight attendants are covered by collective bargaining.

The matter of excessive duty hours is not hypothetical. FAA has advised the Committee of cases in which flight attendants have been required to work for as long as 24 consecutive hours, and given rest periods as short as 6 hours. In the accident involving Galaxy Airlines in Reno, Nevada in 1985, the National Transportation Safety Board investigation disclosed that at the time of the accident, two flight attendants had been on duty for over 18 hours and were scheduled to continue on duty for an additional 7 hours.

Chronic fatigue could affect the ability of flight attendants to perform their work, as it does any other field. Fatigue could affect their judgment and response times in emergency situations, and diminish their alertness to the more routine safety requirements of their profession.

The Association of Flight Attendants and the Joint Council of Flight Attendants Unions petitioned the FAA to establish maximum duty time limits and minimum hours of rest.

The FAA denied the petition on January 23, 1989.

The Bill

H.R. 638 would require the FAA to initiate a rulemaking proceeding not later than 60 days after enactment, and to promulgate final regulations not later than 240 days after enactment. If the FAA fails to do so, the bill establishes "fallback" duty and rest times. FAA could modify the legislated duty times if such modifications are in the interest of safety.

Witnesses

Mr. Mineta is former Chairman of the Aviation Subcommittee and author of H.R. 638.

Anthony J. Broderick, Associate Administrator, Regulation and Ceritfication for the Federal Aviation Administration, will present the Administration's position on the legislation.

A panel of Flight Attendants will discuss their personal experiences. They prefer not to provide their airline affiliations.

The Coalition of Flight Attendant Unions' statement will be presented by Margaret Brennan, President of the Independent Union of Flight Attendants, with the presidents of the other unions present to respond to questions.

The final panel will present the views of the carriers, represented by the Air Transportation Association and the Regional Airline Association; and the views of flight attendant representatives speaking in opposition to the bill.

101ST CONGRESS
1ST SESSION

H. R. 638

To amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1989

Mr. MINETA introduced the following bill; which was referred to the Committee on Public Works and Transportation

---

A BILL

To amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flight Attendant Duty Time Act".

SEC. 2. AMENDMENT TO THE FEDERAL AVIATION ACT.

(a) IN GENERAL.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421-1432) is amended by adding at the end thereof the following new section:

"SEC. 613. DUTY TIME OF FLIGHT ATTENDANTS.

"(a) RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(b) FINAL REGULATIONS.—Except in any case in which the prohibitions contained in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this Act, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(c) MANDATED PROHIBITIONS.—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this Act or does not issue final regulations under subsection (b) before the 240th day following such date of enactment, no air carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than the following:

"(1) For a domestic flight, a maximum of 14 hours of actual duty time and a minimum of at least 10 consecutive hours of rest after each duty period.

"(2) For an international flight, a maximum of 16 hours of actual duty time and minimum of at least 12 consecutive hours of rest after each duty period.

"(3) For a long-range international nonstop flight, a maximum period of actual duty time no more than 4 hours greater than the scheduled duty time, with a maximum period of actual duty time no greater than 20 hours, and a minimum consecutive rest period equal to at least twice the scheduled flight time.

"(4) For all flight attendants, a minimum of eight 24 consecutive hour periods of rest at their domicile per calendar month and at least one 24 hour consecutive period of rest within every 7 days.

"(5) For all flight attendants, at least a continuous 1 hour rest break on any flight scheduled for 8 hours or more of flight time in a designated rest area.

"(d) MODIFICATION OF MANDATED PROHIBITIONS.—The Secretary may issue regulations modifying the prohibitions contained in subsection (c) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. Such modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of such modifying regulations to such committees.

"(e) DEFINITIONS.—For purposes of this section—

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

"(2) DEBRIEFING TIME.—The term 'debriefing time' means a time period of at least 30 minutes for domestic flight and of at least 45 minutes for international flight after the block-in time of the last flight or segment of a flight.

"(3) DESIGNATED REST AREA.—The term 'designated rest area' means a passenger seat of an aircraft assigned for crew rest purposes.

"(4) DOMESTIC FLIGHT.—The term 'domestic flight' means any flight or segment of a flight worked by a flight attendant totally within the 48 contiguous States and the District of Columbia.

"(5) DUTY TIME.—The term 'duty time' means all time worked for an air carrier at any place and in any capacity and, with respect to flying, shall begin at the required report time and shall end at the conclusion of the debriefing time, or when released by the carrier, whichever is later. Duty time accrues until the crewmember is given a required rest period by the carrier. Time spent deadheading, either on an aircraft or by surface transportation, to or from an assignment by an

air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues—

"(A) throughout a rest period of a shorter duration than that contained in subsection (c)(1), (c)(2), or (c)(3), as the case may be, or in the corresponding provisions in the regulations issued by the Secretary under subsection (b); and

"(B) during in-flight rest periods contained in subsection (c)(5) or in the corresponding provision in the regulations issued by the Secretary under subsection (b).

"(6) INTERNATIONAL FLIGHT.—The term 'international flight' means any flight worked by a flight attendant for which a take off or landing is scheduled outside the 48 contiguous States and the District of Columbia.

"(7) LONG-RANGE INTERNATIONAL NONSTOP FLIGHT.—The term 'long-range international nonstop flight' means a single nonstop international flight scheduled for 8 hours or more of flight time.

"(8) REPORT TIME.—The term 'report time' means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of a flight in a flight attendant's duty period or the

time the flight attendant is required to report to work, whichever is earlier.

"(9) REST.—The term 'rest' means uninterrupted time free from all duty.

"(10) SCHEDULED FLIGHT TIME.—The term 'scheduled flight time' means the elapsed time based on the time shown in schedules given by an air carrier to a travel agent.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.".

(b) CONFORMING AMENDMENT.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title VI the following:

"Sec. 613. Duty time of flight attendants.
"(a) Rulemaking proceeding.
"(b) Final regulations.
"(c) Mandated prohibitions.
"(d) Modification of mandated prohibitions.
"(e) Definitions.".

FLIGHT ATTENDANT DUTY TIME LIMITATIONS

WEDNESDAY, MAY 17, 1989

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice at 11:55 a.m., in Room 2247, Rayburn House Office Building, Hon. James L. Oberstar, Chairman of the Subcommittee, presiding.

Mr. OBERSTAR. The Subcommittee on Aviation will come to order.

The Subcommittee on Aviation meets today to consider H.R. 638, to provide for the establishment of limitations on the duty time for flight attendants.

Mindful of the implications of fatigue for safety and for health, the Federal Aviation Administration has set limitations on the uninterrupted duty time for pilots, for flight engineers, for flight navigators, for air traffic control tower operators, for mechanics, for dispatchers, but not for flight attendants.

Despite their many safety responsibilities aboard commercial aircraft, they are not among those for whom duty time limitations have been established.

And yet, flight attendants have to know the procedures to follow in the event of an emergency such as operating ditching and evacuation equipment, first aid equipment, and fire extinguishers. They have to be able to cope with rapid depressurization, with cabin fires, with evacuation of passengers, passenger illness and injury, skyjacking attempts, and other unexpected in-flight disasters such as the Aloha or United tragedies or nightmares, living nightmares such as Tenerife on the Canary Islands, where two 747s collided.

In addition, their routine safety responsibilities include checking safety equipment before departure, assuring that carry-on baggage is safely stowed, and passenger seats and trays are in an upright and locked position, ready for take off.

They perform pre-flight briefings on emergency procedures and most importantly, they have to stay alert throughout the entire flight for any signs of an impending emergency in the cabin.

All too often neglected and overlooked by passengers is the principle responsibility of flight attendants, and that is to see to the safety of the passengers.

In the absence of FAA regulations, collective bargaining governs the amount of time that unionized flight attendants spend on duty and the amount of rest time that they have between flights. However, not all flight attendants are covered by collective bargaining agreements.

The matter of excessive duty hours is not a hypothetical issue. The FAA has advised the Committee of cases in which flight attendants have been required to work for as long as 24 consecutive hours and given rest periods as short as 6 hours.

In the accident involving Galaxy Airlines, which as Chairman of the Subcommittee on Investigations and Oversight I spent many months inquiring into, which occurred in Reno, Nevada, January, 1985, the National Transportation Safety Board investigation disclosed that at the time of the accident two flight attendants had been on duty for over 18 hours and were scheduled to continue on duty for additional 7 hours. Sixty nine people died in that flight.

The FAA determined that in the 11 year period between 1977 and 1988, 8,855 people were exposed to life threatening risks in aviation accidents where the reactions of flight attendants made a difference in the number of persons evacuated.

These accidents involved all phases of flight take off, cruise, and landing, as well as aircraft parked at the gate. Of those 8,855 people, 8,057 survived. Of the survivors, 395 were seriously injured and 601 received minor injuries.

The FAA estimates that one person per second is able to escape through an exit door during an emergency evacuation. The slowed responses of a flight attendant due to fatigue could have very heavy human costs indeed.

In 1984 and 1985 respectively, the Association of Flight Attendants and the Joint Council of Flight Attendants Unions petitioned the FAA to establish maximum duty time limits and minimum hours of rest. The FAA denied that petition on January 23, 1989.

The next day, H.R. 638 was introduced by our distinguished colleague and former Chairman of this Subcommittee, Congressman Norman Y. Mineta.

Taking up the legislation today, the Subcommittee confronts several issues. To what extent does flight attendants fatigue jeopardize safety?

The FAA and others have argued that there are no safety data to support a limitation on duty time, although we may hear a different version from the FAA this morning after further consideration of that issue.

The Subcommittee will ask, what safety data were used to justify such limitations for pilots and other aviation employees? Has an unequal test been applied to flight attendants?

In addition to the safety of airline passengers, there is the concern of the occupational health and safety of flight attendants who work in a rather risky environment of 250-pound serving carts, cramped galleys, hot ovens, hot coffee brewers, and on occasion, an unruly passenger.

They struggle with luggage in overhead bins risking back injury. They have to be weight lifters. They walk the aisles without seatbelts. They risk their own personal health in unexpected midair turbulence. Fatigue can aggravate any problem arising in that often hostile work environment.

Finally, there is the question of whether this is an area better left to the private sector to collective bargaining as it has been, rather than brought under the laws and rules of the Federal Government.

There is also the question of whether the FAA may be willing to exercise the authority that it does have under current law and vigorously proceed with an effective rule making.

So we look to the witnesses today for insight into and enlightenment upon these and the many other complex issues involved in this question of flight attendant duty time limitations.

The Chair recognizes the gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Mr. Chairman, I would like to defer to my leader and the ranking member of the full Committee, Mr. Hammerschmidt.

Mr. OBERSTAR. The gentleman from Arkansas, the ranking member of the full Committee, Mr. Hammerschmidt, is recognized.

Delighted to have you with us.

Mr. HAMMERSCHMIDT. Thank you very much, Mr. Chairman.

Back in December of 1984, the flight attendants asked the FAA to set limits on their duty time. They cited cases where flight attendants had been on duty for excessive amounts of time and expressed concern that they could have negative impact on safety.

During the next few years, several members of Congress, myself included, contacted FAA officials and urged them to give the flight attendants' request their prompt attention.

However, it was not until more than 4 years after their request was filed, in January of 1989, that the FAA finally responded. At that time they denied the request.

Of course, the issue confronting the FAA at that time, and facing this Subcommittee now is whether the Government should impose limits on flight attendants work hours, or whether such matters should be left to negotiation between labor and management, as you have said, Mr. Chairman.

Flight attendants maintain that they have an important safety function on board an aircraft. They point out that if they are forced to work long hours without adequate rest, they may not be able to perform this safety role as well as they should, and may not be able to properly deal with an emergency.

The FAA and the airlines seem to question the significance of the safety role that flight attendants play. They do not seem to believe that the Government should set duty time limits in this area. They favor leaving the matter to be worked out between labor and management.

So this is clearly a very controversial issue over which there are sharp philosophical differences. Mr. Chairman, you are to be commended for moving this issue to the forefront of our Subcommittee's agenda.

I look forward to hearing our first witness, who is a frequent flyer and probably one of those unruly passengers that you mentioned.

[Laughter.]

Our very good friend and colleague, Mr. Mineta, who we will be hearing from.

Thank you, Mr. Chairman.

Mr. OBERSTAR. We will try to restrain him.

[Laughter.]

Mr. OBERSTAR. Thank you very much, Mr. Hammerschmidt. We are always delighted to have you here. Your interest in aviation is intense, informed, and a great benefit to this Subcommittee.

The gentleman from Pennsylvania.

Mr. CLINGER. Thank you, Mr. Chairman.

As it has already been indicated, flight attendants do indeed play one of the most crucial roles in the operation of a successful air carrier. Typically, they are the only personnel most airline passengers every interact with.

Flight attendants are also the individuals primarily charged with assuring the passengers safety. They are the first line, if you will, of safety.

Today's hearing is going to focus on the work schedule of flight attendants, particularly the relationship of duty time to safety.

The flight attendant's job is one of the most unique in the American economy. The hours of each work day varies. Work days are interspersed with periods of free time. Flight attendants are required to spend many evenings away from home. They travel through a number of time zones in any given day.

Clearly, these types of conditions promote the onset of fatigue much more quickly than would be present in other jobs.

Despite these conditions, the FAA has decided against developing regulations establishing maximum flight attendant duty time restrictions, arguing that present work rules have not been proven to diminish the level of safety.

Today's hearings will develop a record of testimony both for and against the establishment of Federal mandated maximum duty time days, with an emphasis on a bill introduced by my personal good friend and colleague, the former Chairman of the Aviation Subcommittee and very knowledgeable in this area, Norm Mineta.

So at this time I remain undecided about the merits of Federal intervention in this area, but I am convinced that safety must not be compromised and if there is indeed the linkage, then I think we need to address it.

So I look forward to hearing from our witnesses about their experiences and recommendations, Mr. Chairman.

Mr. OBERSTAR. The Chair thanks the gentleman for those opening comments, and I think we must proceed on an objective basis to receive all the testimony and viewpoints openly and candidly as possible.

The Chair would ask unanimous consent to include in the record at this point opening statements by Mr. Kolter and Mr. Payne.

[Statement of Mr. Kolter and Mr. Payne follow:]

STATEMENT OF HON. JOE KOLTER, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

MR. CHAIRMAN, I COMMEND YOU FOR CALLING THIS HEARING TO LOOK INTO A MATTER OF GREAT IMPORTANCE. FOR TOO LONG, THE ISSUE OF DUTY TIMES FOR FLIGHT ATTENDANTS HAS BEEN OVERLOOKED.

THE FEDERAL AVIATION ADMINISTRATION ESTABLISHED LIMITS ON DUTY TIMES FOR PILOTS, NAVIGATORS AND MECHANICS, BUT DENIED A PETITION TO INCLUDE FLIGHT ATTENDANTS. THIS ACTION MAKES NO SENSE TO ME.

FLIGHT ATTENDANTS, WHO WORK LONG HOURS AT A TIME ON THEIR FEET NEED THE SAME PROTECTION AS OTHERS THAT THEY WILL NOT BE FORCED TO WORK OUTRAGEOUS HOURS WITHOUT THE NEEDED REST TO REMAIN ALERT.

NO MEMBER OF THE FLIGHT CREW HAS THE CLOSE CONTACT WITH PASSENGERS THAT FLIGHT ATTENDANTS DO. THESE WORKERS MUST ACT AS THE FIRST LINE OF DEFENSE IN ASSURING PASSENGER SAFETY. IF SOMETHING GOES AWRY IN THE CABIN, IT IS THE FLIGHT ATTENDANTS WHO MUST ACT WITH QUICK RESPONSE TO AVERT DISASTER. A TREMENDOUS AMOUNT OF RESPONSIBILITY RESTS WITH THESE DEDICATED PROFESSIONALS.

INVESTIGATIONS HAVE SHOWN INSTANCES WHERE ACCIDENTS HAVE OCCURED ON FLIGHTS WHERE ATTENDANTS WERE ON DUTY, OR SCHEDULED TO BE ON DUTY, FOR TIME LENGTHS IN EXCESS OF TWENTY HOURS WITHOUT REST. IT IS UNREASONABLE TO BELIEVE THAT ANYONE IN THEIR POSITION CAN REMAIN ATTENTIVE AFTER SUCH LONG HOURS WITHOUT REST.

IT IS EVIDENT THAT, WITH THE UNWISE DECISION BY THE FAA TO DENY THIS PETITION, THE PASSAGE OF H.R. 638 IS NECESSARY. I COMMEND THIS SUBCOMMITTEE'S FORMER CHAIRMAN NORM MINETA FOR HIS SPONSORSHIP OF THIS LEGISLATION AND HIS RESOLVE IN SEEKING ITS ENACTMENT.

THANK YOU, MR. CHAIRMAN.

STATEMENT OF
THE HONORABLE LEWIS F. PAYNE, JR.

LF Payne
JA-5

MR. CHAIRMAN, I appreciate the leadership that you and Mr. Mineta have demonstrated in your concerns for the overall safety of the flying public.

The bill before us today, HR 638, would require that the FAA establish duty time limitations for flight attendants. If the FAA does not do so within the specified time, then "fallback" duty and rest times would become effective.

As I understand the present situation, flight attendants are not covered by regulations establishing maximum duty time limits and minimum hours of rest. The FAA has established such limitations for pilots, flight enginers, flight navigators, air traffic control tower operators, mechanics and dispatchers. I appreciate the interest and concern that all those who are with us today have expressed, and I look forward to hearing the testimony. This is a situation that I feel should be reviewed, and I welcome the opportunity to do so at this time.

Mr. OBERSTAR. Does the gentleman from Texas have some opening remarks?

Mr. LAUGHLIN. Thank you, Mr. Chairman.

I am just relieved to learn that the first witness is not a flight attendant.

[Laughter.]

Mr. LAUGHLIN. I look forward to his testimony though. Thank you.

Mr. OBERSTAR. Comments by the gentlewoman from New York.

Mrs. SLAUGHTER. No comment. Thank you.

Mr. OBERSTAR. The gentleman from Colorado?

Mr. SKAGGS. No, thank you.

Mr. OBERSTAR. Let us proceed. Although we have a vote in progress on the floor, I think we will have time to receive the statement of the former Chairman of the Subcommittee on Aviation, the gentleman from California, Mr. Mineta.

TESTIMONY OF HON. NORMAN Y. MINETA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MINETA. Thank you very much, Mr. Chairman.

And I will go through this very quickly knowing that we now have the first call of a vote call.

I want to thank you for your leadership on this very important issue and I appreciate the foresight you exhibited by scheduling today's hearings.

Since a lengthy list of distinguished speakers will be addressing the Subcommittee, I will make my remarks brief and I submit my full remarks for the record.

Mr. OBERSTAR. Without objection, the complete statement will be included in the record at this point.

Mr. MINETA. Mr. Chairman, today we are discussing safety for air travelers and how we can assure that the work hours that are demanded of flight attendants do not in fact decrease the margin of safety in air travel.

All of us in the Congress are people who frequent the airlines. I probably put somewhere close to 200,000 miles a year on a plane.

The FAA requires that a certain number of flight attendants are to be present on flights that carry passenger. The FAA requires a certain level of training for flight attendants. The FAA's reasons for doing so are to increase the safety of air travelers.

The FAA also recognizes that fatigue can interfere with the ability to handle properly the job responsibilities of a flight attendant. And because of these concerns, the FAA has imposed limitations on work hours, as you have indicated, on airline pilots, flight engineers, flight navigators, mechanics, dispatchers, and air traffic control tower operators.

Now these limitations all make good sense, and yet, the FAA has yet to take this common sense approach to safety when it comes to flight attendants.

There is no question that flight attendants have important safety responsibilities. They are charged with routine procedures to ensure that an aircraft cabin is safe.

They are charged with remaining alert for conditions which could indicate a safety problem such as rapid cabin depressurization, cabin fires, passenger illness or injuries, highjackings, and even evacuation of an aircraft.

But these employees, so key to protecting the lives and health of their passengers, are not subject to the same protections against fatigue and overwork created for other aviation professionals.

My introduction of this bill, Mr. Chairman, arose out of frustration with the inaction of the Federal Aviation Administration and the Department of Transportation on this issue.

As was indicated, petitions for rulemaking were filed over 4 years ago. Five members of Congress, including you, Mr. Chairman, joined me in writing to the FAA Administrator urging him to initiate a rule making proceeding on flight attendant duty time, but no action was taken in response to our letter.

I wrote the FAA again in April of 1988. In June, then FAA Administrator McArtor stated that a decision on whether or not to go forward with a rule would be made quote shortly unquote. Yet, no decision by the FAA was forthcoming.

And then in January of this year, the Administrator denied the petition to issue duty time regulations for flight attendants, issuing that just before he left office.

Now while it is true that some collective bargaining agreements may include limitations on duty hours which adequately protect against fatigue, not all attendants are covered by union contracts.

The FAA is aware of cases in which flight attendants have been required to work for as long as 24 consecutive hours. It is certainly not unusual for a flight attendant's work day to stretch to 10, 12, or 14 hours.

My personal preference is to have the necessary regulations developed by the FAA rather than by the Congress. H.R. 638 is consistent with this approach. This bill directs the DOT and the FAA to issue a notice of proposed rule making on flight attendant duty time by 60 days after the date of enactment and to issue final rules 180 days later.

However, if the FAA fails to carry out these directives, the legislation imposes regulations establishing duty hour limitations for flight attendants.

As I have indicated, my preference would be for the Congress not to get into the business of adopting the regulations, but for the FAA and the DOT to carry out their responsibilities.

But the inaction of these agencies over the last 4 years, indicates that legislation is necessary to push them into action.

In closing, I will quote a recent editorial in the Seattle Post-Intelligencer, which said, and I quote, In an emergency, passengers depend for their safety on the alertness and quick response of cabin attendants. A cabin attendant who is exhausted from long flights and quick turn arounds with no rest break is a potential safety hazard to passengers. Protecting flight attendants from exploitation that hampers their performance is public interest legislation that deserves speedy enactment, unquote.

So, Mr. Chairman, I urge the Subcommittee to carefully consider this legislation, and approve this legislation for consideration by the whole House.

Thank you very, very much, Mr. Chairman.

Mr. OBERSTAR. Thank you, Mr. Chairman of the Surface Transportation Subcommittee for your views. Your comments are particularly valuable and important for us from your long years of experience in aviation and your patience with the process.

When Norm Mineta's patience runs out, I think that is an indicator of something very seriously amiss in the system. And your patience obviously ran out on the FAA and the process under which flight duty time was to be undertaken. Your legislation is timely and wise. I think we will see it has prodded the FAA into some further thoughts, as has this hearing, and we will proceed with that further.

Since we have only about 6 minutes left before the vote, I think we will recess at this point and resume. We will hold you excused because I know you have other obligations.

Mr. MINETA. Thank you very much, Mr. Chairman.

[Mr. Mineta's prepared statement follows:]

OPENING REMARKS OF NORMAN Y. MINETA, M.C.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
SUBCOMMITTEE ON AVIATION

HEARING ON H.R. 633, FLIGHT ATTENDANT DUTY TIME
MAY 17, 1989

Good morning. Thank you, Mr. Chairman, for your leadership in this most important issue. I appreciate your foresight in scheduling today's hearing.

Since a lengthy list of distinguished speakers will be addressing the Subcommittee, I will make my remarks brief, and I submit my full remarks for the record.

Today we are discussing safety for air travelers, and how we can assure that the work hours demanded of flight attendants do not decrease the margin of safety in air travel.

The FAA requires that a certain number flight attendants be present on flights that carry passengers. The FAA requires a certain level of training for flight attendants. The FAA's reasons for doing so are to increase the safety of air travelers.

The FAA also recognizes that fatigue can interfere with the ability to properly handle job responsibilities. Because of these concerns, the FAA has imposed limitations on work hours for airline pilots, flight engineers, flight navigators, mechanics, dispatchers, and air traffic control tower operators. These limitations make good safety sense. Yet the FAA has yet to take this common sense approach to safety when it comes to flight attendants.

There is no question that flight attendants have important safety responsibilities. They are charged with routine procedures to ensure that an aircraft cabin is safe. They are charged with remaining alert for conditions which could indicate a safety problem such as rapid cabin depressurization, cabin fires, passenger illness or injuries, hijackings and even evacuation of an aircraft.

But these employees, so key to protecting the lives and health of their passengers, are not subject to the same protections against fatigue and overwork created for other aviation professionals.

My introduction of this bill, Mr. Chairman, arose out of frustration with the Federal Aviation Administration and the Department of Transportation at their failure to institute the needed protections and guidelines.

Petitions for rulemaking urging FAA and DOT to deal with this problem were filed four years ago, in November 1985. Five Members of Congress, including the current Chair of this Subcommittee, joined me in writing to the FAA Administrator urging him to initiate a rulemaking proceeding on flight attendant duty time -- but no action was taken in response to our letter.

I wrote the FAA again in April 1988. In June, then-FAA Administrator McArtor stated that the FAA had analyzed the pending petitions during the previous two years, that this rulemaking continued to be a priority for the agency, and that a decision on whether or not to go forward with a rule would be made "shortly." Yet despite this promise of a decision by the FAA, none was forthcoming.

Last fall, tired of waiting for FAA action, I submitted legislation to prompt the DOT and the FAA into action on this vital issue. In January of this year, we finally heard from the FAA -- and the Administrator denied the petition to issue duty time regulations for flight attendants. So I have reintroduced this legislation in the 101st Congress.

While it is true that some collective bargaining agreements may include limitations on duty hours which adequately protect against fatigue, not all attendants are covered by union contracts. The FAA is aware of cases in which flight attendants have been required to work for as long as 24 consecutive hours. It is certainly not unusual for a flight attendant's work day to stretch to 10, 12, or 14 hours.

My personal preference is to have the necessary regulations developed by the Federal Aviation Administration rather than the Congress. The legislation I have introduced is consistent with this approach. This bill directs DOT and FAA to issue a notice of proposed rulemaking on flight attendant duty time by 60 days after the date of enactment and to issue final rules 180 days later. However, in the event the FAA fails to carry out these statutory directives, the legislation imposes regulations establishing duty hour limitations for flight attendants.

These regulations would limit flight attendant duty time to a maximum of 14 to 20 hours, depending upon the type of flight, and require prescribed periods of rest after each duty period. For any flight scheduled for eight or more hours of flight time, the attendants must be given a rest break of at least one hour during the flight. The legislation also requires that flight attendants must be given a minimum of eight periods of rest of 24 consecutive hours at their domicile each calendar month, and at least one period of rest of 24 consecutive hours every seven days.

As I have indicated, my preference would be for the Congress not to get into the business of adopting the regulations, but for the FAA and the DOT to carry out their responsibilities. But the inaction of these agencies over the last four years indicates that legislation is necessary to push them into action.

In closing, I will quote a recent editorial in the Seattle Post-Intelligencer, which said:

"In an emergency, passengers depend for their safety on the alertness and quick response of cabin attendants. A cabin attendant who is exhausted from long flights and quick turnarounds with no rest break is a potential safety hazard to passengers.... Protecting flight attendants from exploitation that hampers their performance is public interest legislation that deserves speedy enactment."

I urge this Subcommittee to approve this legislation. Thank you.

[Recess.]

Mr. OBERSTAR. The Subcommittee will resume, and we will hear from our next witness, speaking for the Federal Aviation Administration, Anthony J. Broderick, Associate Administrator, Regulation and Certification, Federal Aviation Administration.

I call Tony Broderick the all-purpose back for the FAA. It seems every—all but one issue I think that we have been dealing with since the beginning of this year, you have been the voice for the FAA, and we welcome your appearance, and once again, to praise and commend your professionalism, your grasp of the many issues that we have to deal with in this Subcommittee, and that, of course, are your domain at the FAA.

Would you please introduce your associate.

TESTIMONY OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR, REGULATION AND CERTIFICATION, FEDERAL AVIATION ADMINISTRATION, ACCOMPANIED BY DANIEL C. BEAUDETTE, DEPUTY DIRECTOR, FLIGHT STANDARDS, FEDERAL AVIATION ADMINISTRATION

Mr. BRODERICK. Mr. Chairman, with me is Dan Beaudette, who is the Deputy Director of Flight Standards in the FAA.

What I would like to do is introduce my prepared statement for the record, if I might, and elaborate on that.

Mr. OBERSTAR. Without objection, your prepared statement will be included in the record. You may proceed to summarize or extemporize as you choose.

Mr. BRODERICK. Thank you very much, Mr. Chairman.

In the last day or two, I have had a chance to speak at some length on these issues with the Acting Administrator of the FAA and also the Secretary of Transportation.

Both of them want me to make it absolutely clear to you, Mr. Chairman, and to other members of the subcommittee that they are not satisfied to leave this issue as it presently stands in the FAA's regulatory agenda.

We are unanimous in our desire to be responsive to the desires of this subcommittee and Mr. Mineta's initiative. Our denial of the two petitions for rulemaking on this subject a few months ago should not be seen as closing the door on this issue. Rather, it reflects an absence in the regulatory docket, a public docket developed for these rule making actions over the last few years, an absence of data on which to base our regulatory decision.

It is important to stress this lack of data. We cannot make regulatory decisions and rules without the data to justify them and to support the decision making process.

In my discussions with the Acting Administrator and the Secretary, we focused on the need to develop this data promptly so that we can make informed decisions on this very important issue.

I have started that effort and we are going to use principal inspectors within the FAA as our focal point to go out to the airlines and gather the data, since we could not get it provided to us in the public docket either by the airlines or other interested parties. We have, as you know, all the authority we need to gather this data up to and including subpoena power.

We intend to gather an array of data to define this issue that covers both scheduled and non-scheduled operations, union and non-union carriers. We also want to work very closely, as we have developed a good relationship over the last few years, I am sure you remember, with the Military Airlift Command and their contract holders to look very carefully at the military charter operations that would also be covered by these regulations.

I can assure you, Mr. Chairman, I have the support of the Acting Administrator and the Secretary to make the necessary regulatory decisions, whichever way the cards may fall, once the data is gathered.

If the data shows a need for regulatory intervention on the part of the Federal Government in this area, we will initiate that effort on a priority basis.

I believe that you recognize the sincerity and the aggressiveness with which our organization has worked with this Subcommittee on a number of very important regulatory issues involving aviation safety in the past few years.

I hope that we can continue to do that in this instance and work closely with the subcommittee keeping you and your staff up to date on our progress.

Mr. Chairman, we would happy to answer any questions that you have at this time.

Mr. OBERSTAR. Let me congratulate you on the presentation you have just made and on perhaps even, let me call a change of heart or a change of emphasis, a change of direction.

I think that is a very significant step announced this morning, gathering the information, moving in the direction, indicating by your mention of subpoena authority the seriousness of purpose with which the FAA will pursue this matter.

Let us try to draw some—design some boundaries around this. How long is it likely to take, and do you have a time frame within which to undertake this information gathering project?

Mr. BRODERICK. By late Summer, with a report this fall.[1]

Mr. OBERSTAR. By Fall—Minnesota Fall is early. [Laughter.]

Mr. BRODERICK. Minnesota Fall is early. I would hope to have this effort completed before the assembly of the International Civil Aviation Organization, which I believes starts at the end of September. So let us put a date sometime in mid September for a target date for the report to be completed, which would mean, of course, data gathering would have to be completed this Summer.

Mr. OBERSTAR. What type of data are you going to be looking for?

Mr. BRODERICK. Well, the very same kind of data that was only present in the docket in one submission, and that is a submission that was made by the Joint Council of Flight Attendant Unions on a very detailed summary that covered a 6 month period of the work history hour by hour of one flight attendant. That flight attendant happened to be from a major carrier, which does not have a union contract in force, to my knowledge.

And it showed what was purported to be—let me see if I can quote, it was the "excessive duty time example" which included the 6 months of recordkeeping. And it showed, if I might summarize, a 6 month period which contained, of course, six different bids at least, and a number of different routes flown, which average 7.7

[1] "Report on the Study of Current Practice Flight Attendant Flight, Duty, and Rest Times" received from Mr. Broderick has been retained in Subcommittee Files.

hours per day of the working day of duty time over that 6 month period; 5 hours per work day of flight time over that 6 month period; 16 days per month of actual duty at the airline; 3.7 days per week of working at the airline; 14 days of paid vacation; 11 days, which appear to be sick days; and 1 day of training was included in that.

That is the kind of data that we need. It includes the detail that we need and it also shows the bid patterns that the kind of things that cause problems.

The high duty day in that period, by the way, was in excess of 17 hours. That occurred once. There were a number of days, however, that were between 13 and 14 hours of duty that were apparently bid voluntarily on purpose using the seniority privilege because they appeared repeatedly throughout the period.

Mr. OBERSTAR. Now there will be testimony from other witnesses later in this hearing who will—flight attendants who will say, "We like the flexibility. We like to be able to work out longer flight times. We want to this because that would give us a shorter work week, a shorter number of days within a month within which to work, and we are not bothered by fatigue. We do not think that is an issue."

I am anticipating this testimony because I know it is in the prepared remarks, as submitted to the Committee. I would like to get your reaction to that. Should matters of that kind be left entirely to the—well, in this case a non-unionized carrier—but should it be left to management—employee negotiation over work schedules? Should such issues be left to the mercies of the collective bargaining process in case of unionized operators? Or should there be some objective standards by which decisions of this kind should be based and parameters set according to some objective formula?

Mr. BRODERICK. Mr. Chairman, I would suspect you would agree that not all decisions can be based on objective standards, and certainly not objective standards set by the Federal Government.

What I think we need to do is recognize the very important freedom to exercise personal choice and not only choosing a job, but in exercising a reasonable degree of flexibility between the employer and the employee within that job assuming that common sense and the record shows that we do not have a problem with reasonable exercise of those freedoms.

I am unaware of any data which shows that we have demonstrable problems that have occurred from the safety viewpoint in the 60 years or so that flight attendants have been on aircraft.

That does not mean, I hasten to add, that there are not cases of long arduous duty days during which the only reason that people were able to perform their duties reasonably well is because of the extraordinary efforts of the flight attendants involved, and sometimes even the heroic efforts of the people involved.

But I would point out that you cannot by regulation stop extraordinary, unusual circumstances, and that is the kind of thing that I think we need to examine.

Are we talking about individual fouled up situations that occur unavoidably in real life when you are talking about 10 to 15 or even 20,000 flights a day? Or are we talking about a pattern?

I need to have a data base from which to make an informed judgment about that, and we do not have that data right now.

Mr. OBERSTAR. Well, I think it is important to have the information and I wanted to have a time frame drawn around it. You have done that.

I also want to make a point. It took 240 years of the industrial—from the beginning of the industrial revolution for us as society in general to get to a 10 hour work day. And then it took another 40 years to get down to an 8 hour work day in 1910. It took 250 years to eliminate child labor.

More Americans have died in accidents in the industrial work place in our society in the United States than have died in all of our wars.

I grew up in a steelworker family. My father worked 40 years in the mines in Northern Minnesota, 26 years of those in the underground.

As a little kid, I sat at our little steel enameled table with that oil cloth on it while he and Johnny Frinsco, President of the Steel Workers Local, talked about safety in the underground and the bad air in this or that part of the mine, and the need for lighting, the need to replace the batteries in the men's lamps, and the company would not replace them until they were just about gone, and the need to replace cables in the cage that took the workers down 600 feet into the underground.

Safety, saving life and limb, was a daily threat in the underground. When I came to Congress, one of the first things that I did was to draft legislation that later became MSHA, Mine Safety and Health Act.

A person's life is on the line. More than life, it is family, it is livelihood. I think when you—it is just a searing experience—I have worked in the mines myself—to hear the screams of the men as the cable broke in the cage to go down, you know, into the mine, and those lives are gone.

We must not overlook any avenue with which to protect safety. Fatigue, Vince Lombardi said, "makes cowards of us all." Fatigue affects our judgment. Fatigue affects the way we perform our work. Fatigue, we may not even recognize it, particularly when we are working on adrenalin.

Those are the intangibles that you need to address in that process. And if there is one thing, I think you understand it, that has characterized my work in this Committee and in the Investigations and Oversight Committee, it is emphasis on safety, and we are not going to leave any stone unturned.

And I do not think it is right to leave people to their own devices because they are subject to the pressures of the market place to say, "Well, if we want to negotiate different times, then we can do that." Because there are too many factors that come into play and I have seen them in the toughest environment in the ore mines. I have seen them in steel mills. I have seen them in other industrial work places, and I have seen them in the air.

And I want you to do the best, most thorough, most detailed job that you have ever done as you go forward to look into this matter.

Mr. BRODERICK. Mr. Chairman, I can assure you that we are going to try and develop a data base that will convince all of us of

the correctness of whatever decision we need to make as a result of that and it will be there in black and white.

It is something that is factual, not something that is judgmental. But having a good solid array of facts, I think we can all very quickly converge on the same judgment because we all have the same thing in mind.

Mr. OBERSTAR. Thank you.

The gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Thank you very much, Mr. Chairman.

Mr. Broderick, we thank you for your statement and for the present position of the FAA, which is that this matter does need to be looked into.

The bottom line is we are trying to determine if there is a safety concern here, then we have got to know that and deal with it.

I am surprised that you indicated there is no data at the present time. In other words, you are writing on a clean slate now. Is that right?

Mr. BRODERICK. Well, we have—I went through this weekend the public docket, which is about 6 inches thick, and the one document that I found that was quite illuminating was the one that I just summarized for you. There are literally hundreds and hundreds of post cards that were sent in and form letters, as well as a number of individual letters that were written by flight attendants that provided anecdotal evidence, but there is not data base.

If you ask me what is the difference between a typical international duty day and a typical domestic duty day, I do not have the data to show you that right now. What is the difference between a unionized carrier and a non-unionized carrier, all other things being equal? We do not have that data and it is going to be quite a comprehensive effort to get it. Obviously we need to do that before we move forward and make decent decisions.

Mr. CLINGER. Basically, you indicated the airlines do not have the data present.

Mr. BRODERICK. I think each individual airline has data for its own airline, but it has not been arrayed in any way that we as a regulatory agency can analyze the system. There is a summary of flight attendant contracts, for example, that was provided to the docket, but that clearly shows a reasonable array of decisions that were made, but virtually no data. I think they submitted data on two non-union carriers and virtually none on the non-scheduled operations.

Mr. CLINGER. Now the petition for rule making was filed some time ago and that was denied. Something obviously has led the FAA to change its mind. What has resulted in this change of direction?

Mr. BRODERICK. Well, it is—I think it is fair to say that we had a number of discussions with a number of flight attendants and flight attendant representatives over the period of pendency of the notice of—of the public docket being open or following the publication of the petitions for rule making and developed what data we could. I wish it had not taken as long as it did, but I cannot change that.

The fact is that we reached a decision and we had no data. We have since then been trying to decide what to do, and quite candid-

ly, the pendency of this hearing focused our attention on this subject and had us evaluate what our options are, whether we were in the right posture or should we drop the issue. We decided that we do not have the evidence to drop the issue because we have a lot of anecdotal evidence that says that there may be a problem out there.

Mr. CLINGER. So the denial initially was really based on the fact that there was no data one way or the other to indicate——

Mr. BRODERICK. There was—I am sure that others would argue that there is data from their individual experiences, but from a Federal regulatory perspective, there certainly is no document that summarizes the status of airline flight attendant duty time or flight time.

Mr. CLINGER. Do the other major industrialized nations of the world in air travel regulate duty time for attendants?

Mr. BRODERICK. I would like Mr. Beaudette to respond to that. I am not aware of any regulations. Dan?

Mr. BEAUDETTE. I am not either. Returning to your previous question, part of the reason for the delay was when we looked at what the docket brought us and we looked at the petitions, we not only tried to make some reasonable conclusions with the information we had, we also tried to see if we could draw conclusions on our own. We went to other agencies, other organizations, other similar types of work functions, but we did not do it under a formal data gathering. We were just looking to see what other information was there. We were unable to come up with anything, I think, that we would find reasonable to use in the process either for those petitions or for one of our own at that time.

Mr. CLINGER. It may be premature to comment on this, but the legislation before us sets duty times and rest times for flight attendants. The FAA presently regulates duty time and rest time for pilots. How do these compare? How do the proposed standards that set forth in this bill compare with what the FAA presently requires of pilots?

Mr. BEAUDETTE. Given that we have got three basic sets of pilot rules, only one of which has been recently updated and that is for the domestic rules, our flag and supplemental rules are separate and different and in terminology they are obsolete. It is difficult because of the terminology to make a general statement to compare. But these rules, I would say, are as strict, or in some cases stricter than some of the pilot rules. In other cases, I would say they are very similar.

Mr. CLINGER. One of the items that you mentioned, which I had not really focused on, and that is that whatever is done in this area is also going to apply to the military airlines, the contract flights. What is the situation with those carriers now? Do you know? Are there any rules that regulate the time for flight attendants on military charter flights?

Mr. BRODERICK. They operate under the Federal Aviation Regulations and some of those airlines—I think the biggest contract operator is Northwest Airlines. So it is not something that is unique or unusual. It is part of the business.

The reason I mentioned the military charters though is that it is a good example of a non-scheduled operation over great distances

which seem to provide from an anecdotal viewpoint the, if I can call it, the horror stories.

If you have a mechanical problem on an airplane that is 5,000 miles away from home and you need to ferry in a part from 5,000 miles away in a strange country, sometimes the duty days can get very, very long indeed.

But I might point out that this is not something that we can preclude by regulation. What you can do by mistake, in fact if you are not careful in crafting these regulations, is end up having an awful lot of people waiting 24 or more hours while you ferry in a crew from some long distance because you have been on duty for too long. It is for that reason that most of our pilot regulations focus on rest time as well as scheduled flight time, rather than duty time.

It is a technicality, but in the context of the kind of debate we were having about TCAS in this Subcommittee a couple of weeks ago, it is those legislative technicalities that can cause all kinds of problems in the regulatory and enforcement arena. And I would be very concerned about the kind of detail that we have in this piece of legislation. Even though we have not analyzed it in full detail, it is quite a detailed piece of legislation and I can envision some great difficulties with the practicalities of day to day enforcement.

Mr. CLINGER. Well, I certainly want to commend you and the FAA for its openness and willingness at this point to take a fresh look at this issue and certainly would second the Chairman's thoughts that we are sure you will conduct a very thorough exhaustive examination and get a good data base so that we can determine whether or not regulating this area is appropriate, and if so, how.

Thank you.

Mr. OBERSTAR. Thank you. Mr. Mineta?

Mr. MINETA. Thank you very much, Mr. Chairman.

Mr. Broderick, let me thank you for your statement and your willingness to come forward with this whole issue of data collection.

In response to my colleague, Mr. Clinger's concern about whether or not we want to do this, I mean that is my basis. The fact that is in the absence of something being done by FAA or DOT we say this is necessary. I do not want do it this way, but the fact that we have not have a response is the reason that I am taking this approach.

On the other hand, I am concerned about whether or not we are setting ourselves up in some kind of a catch 22 by saying, "Yes, we do not have enough evidence to be able to move forward on something."

And I go back to the original decision because the part that bothers me is that the conclusion—it says, "In consideration of the foregoing, I find that rule making, as proposed is not in the public interest."

Now if we used that as saying it is not in the public interest and we say we have to have data to show, yes, that there is some necessity for rules and regulations, my concern is that if your data shows that, for example, that only 10 percent of the flight attendants have excessive demands on their schedule, the FAA may say,

"Well, see it is only 10 percent. So it does not require our coming forward with something."

Well, that may be 10 percent or 30 percent or 40 percent in terms of flight attendants, but what in terms of the passenger? It is not to them 10 percent or 30 percent or 40 percent. For them it is 100 percent. Their requirement is for someone to be able to be alert enough to be able to respond to do something when the need arises and it is not because maybe only 10 percent of the flight attendants have excessive demands placed on them or that any given flight attendant 10 percent of their time is occupied with some safety concerns.

I just do not want you to set us up for some kind of catch 22 that says, "See, there is not enough data here to go forward with this kind of regulation."

Mr. BRODERICK. Mr. Mineta, I can assure you that this is not going to be something that is done in a closed room. I would hope that we will have—and expect to have the cooperation not only of the airlines, but of the airline alphabet groups, of the flight attendants and their representative groups, as well as your staff members.

We will keep you informed of this and there will be very bright light shining on not only what we are doing, but what we conclude.

I think that the point I would make is that we recognize by the exercise of the Administrator's discretion to regulate that some very broad areas need a very sharply focused regulation and other very broad areas need a broad all encompassing set of regulations.

What I would hope our data will show is that we do not have to worry about a given 90 percent in some area, but there is a problem with 10 percent and we look at the benefits of regulating that 10 percent. If we see, for example, pervasive patterns or repeated patterns of scheduling in carriers that are just unreasonable, it is going to stick out like a sore thumb because the kind of data that we have seen in anecdotes ought to be supported by a pattern.

But the one thing I want to stress is that we cannot write a regulation that prevents an airplane from being delayed. We have to be very, very careful to use judgment like Members of the Subcommittee do and the Members of Congress do when you are writing regulation.

This is not a black and white call. It is not the flip of a coin, but we are going to do is provide you and ourselves with a data base from which we can make an informed professional judgment and not just a stab.

Mr. MINETA. What kind of a data base was there for flight deck personnel? Incidentally, when was that established?

Mr. BEAUDETTE. I am going to have to estimate. It was long enough ago to preclude the kind of analysis that we go through now to do rule making. I think that those rules came into existence——

Mr. MINETA. So it was when we had wicker seats on the airplanes?

[Laughter.]

Mr. BEAUDETTE. Yes sir, and without exposing us to a lengthy——

Mr. MINETA. You know it is interesting though, maybe we had wicker seats on airplanes, but at that time FAA or somebody said all flight attendants had to be nurses.

Mr. BRODERICK. I believe it was the airlines that decided they wanted to do that.

Mr. MINETA. Is there some kind of empirical evidence by the CAA say in those days to say, "Yes, we need all flight attendants to be nurses"?

Mr. BRODERICK. I am unaware of any regulation like that. The airlines in fact hired flight attendants to their own standards and that was to be nurses.

Mr. MINETA. At that time?

Mr. BRODERICK. Yes, at that time.

Mr. MINETA. Okay. What about for mechanics? When did that come about? What was the data there?

Mr. BRODERICK. I do not know, but it is a long time, and as you know, it is a requirement that they have one day off in seven. That is the limit of the requirement with mechanics.

Mr. BEAUDETTE. Our most recent rulemaking was—although there was a lot data involved, as you remember, involved negotiated rules for pilots. Whereas there was a lot of data brought to play, the process that brought us the only recent revision in the last 20 or maybe 30 years was a negotiated effort under a Federal Advisory Committee because the FAA was unable to articulate with data an accurate enough position in any number of NPRMs to get consensus through the normal rule making process.

Mr. MINETA. Now as a result of this petition filing though, did not the FAA put together some draft rules and regulations?

Mr. BRODERICK. Yes.

Mr. MINETA. And in putting together that draft, did you have some idea as to what ought to be included or not included on that?

Mr. BRODERICK. No, I think the team that put together that draft had basically the following charge: Put together a sensible flight attendant flight and duty time regulation that covers essentially everything, and that is the draft that was put together. And quite candidly, when you examine that right now in the myriad of detail that it has, there is very little that is in the public record that can justify virtually any of the provisions in it.

I might also add, on the scheme with pilot regulatory actions, there is a long history of accident investigation which was developed not because anybody originally decided that it was appropriate to look at it, but because it became evident to the experts and accident investigators who documented fatigue as causing problems that led to aircraft accidents.

We know that that has happened in the past. No one directed anybody to look at fatigue. It was looked at because in the professional judgment of the investigators it might be a contributor.

I am unaware of any incident or accident that has the same kind of cause ascribed to fatigue for the flight attendant arena.

Mr. MINETA. Are you saying that fatigue—I am sorry. Are you saying that fatigue has no part to play in terms of job performance?

Mr. BRODERICK. No, I am saying that we do not have—as with pilots, we do not have for the flight attendant—in the case of pilots

we do have a clear record in NTSB accident investigations and before then the agencies that investigated accidents, the document problems that arose from fatigue in pilots. That record does not exist with flight attendants.

Now I would hasten to add that common sense tells you that at some point fatigue must interfere with job performance. The question we have to ask is do we——

Mr. MINETA. In looking to the NTSB accident investigation and their charge is a cause of an accident, and unless the hot focus turns to something other than the cause and the cause is going to be either mechanical or flight deck personnel, air traffic control or some facet of it, that hot focus is not going to be on the performance of a flight attendant in the back of the airplane as to whether or not they were able to get the doors open, able to get the escape chutes, able to do this.

And so I am not sure that the NTSB accident reporting scheme would be data or a good base for determining that kind of data.

Mr. BRODERICK. Not 50 years ago, Mr. Mineta, but I would think that in the last 25 or 30 years that would indeed be the case. They have, as a matter of practice now, formed human factors groups, evacuation groups, et cetera that work the accident investigation and they do a very thorough job of evaluating not only why the accident occurred, but the survivability of the accident, the performance of the flight crew, as well as the flight attendants, the performance of all of the emergency equipment, the conduct of the evacuation, and indeed, in survivable accidents we go so far nowadays as to plot the location of each passenger in the airplane in an attempt to reconstruct the route that they followed and see what would have increased the evacuation speed. So I think it would be there if it was a problem.

Mr. MINETA. So you are willing to acknowledge that fatigue as a factor could impact on job performance, but what you want is some data to substantiate that.

Mr. BRODERICK. I am not going to—I would like to have that data, but I am not going to say that unless we get data that shows that there are X number of bodies out there that arose from fatigue that we are not going to regulate, not at all.

The data that we need is data that shows the abuse of what I would call reasonable scheduling practices with regard to the flight attendant population as broken down into identifiable subsets, domestic, flag, scheduled, non-scheduled, et cetera.

Mr. MINETA. Would you say that flight attendants play a safety function—a vital safety function on board aircraft?

Mr. BRODERICK. Absolutely.

Mr. MINETA. Then let me go back to your decision—or the Administrator's decision in January of 1989. What was it that was lacking in public interest that made first at that point say, "No, we are not going to move forward"?

Mr. BRODERICK. The underlying rationale for a decision to regulate—that is what was lacking, not a need to say that there is a relationship between fatigue and job performance at some point. I think what we need to—the way I look at this is that there is a spectrum and for ease of reference we can talk about very short work days and very long work days.

Clearly at the low end of that spectrum in terms of the work day we have a labor management relationship that I think most of us would agree the Federal Government should not step into.

At the opposite extreme we would have a safety issue and if we have a number of cases that we can document in terms of company practices, or for that matter, flight attendant voluntarily taking excessively long duty days, which we believe show danger in terms of ability to perform a job so that they can have a short work month, then we may have to step in and regulate. It is actually the quantitative data that makes up that spectrum that we are looking for.

Mr. MINETA. Let me just quickly ask, because I know I have exceeded my 5 minutes, but what would you say is the prime reason for the change of heart from January of 1989 to the 17th of May of 1989, in terms of taking a look at this again?

Mr. BRODERICK. Well, as I indicated earlier, I think the pendency of this hearing certainly focused our attention on it in terms of timing. The fundamental reason is that my flight standards staff asked me to get together with the top management and see if we really wanted to leave things the way they were, and we decided that we did not and top management agreed with us.

Mr. MINETA. Well, good. I appreciate your testimony here and look forward to the work of the FAA on this, and maybe, as you indicated, maybe we will have an Oberstar time sheet here so we can make sure that benchmarks are met so that we can make sure that a report card is submitted to Mr. Oberstar as the Chair for the Subcommittee in order to make sure that this does progress to a fruition of some rules on this issue.

Thank you very much, Mr. Broderick and Mr. Beaudette, Mr. Chairman.

Mr. OBERSTAR. Thank you.

The gentleman from New York, Mr. Boehlert.

Mr. BOEHLERT. Thank you, Mr. Chairman.

Mr. Broderick, you vindicate my faith in the system. We have your attention and that is good news.

[Laughter.]

Mr. BOEHLERT. And incidentally, I should probably, Mr. Chairman, explain. On occasion I feed my habit. I smoke, but since this hearing is 2 hours or more, it is permitted.

[Laughter.]

Mr. OBERSTAR. As long as you keep your smoke to yourself.

Mr. BOEHLERT. Mr. Broderick, do we have a specific time table from you, a commitment to a specific time table? I am not sure of that yet.

Mr. BRODERICK. I would be happy to give you something in writing, but I said mid-September for the report of our data gathering effort.

Mr. BOEHLERT. OK. Fine. Following on the line of questioning of Mr. Mineta, I have always felt that if we are going to make an error in judgment, we should error on the side of caution, and I would urge that upon your consideration.

Certainly I applaud your desirability to obtain a data base. I mean if we did more fact gathering in this town we would probably be better off as a nation, but do not let it take too long, number

one, and number two, if the data is a little bit "iffy" error on the side of caution, please.

That is all I have. One further question, what are the other guys doing in this business, the other industrialized nations?

Mr. BRODERICK. As we indicated earlier, we are unaware of any other national regulations for flight attendant flight and duty time.

Mr. BOEHLERT. Then we may well be leading the way?

Mr. BRODERICK. Once again, yes, sir.

Mr. OBERSTAR. Mr. Broderick, you referred in response to Mr. Mineta's questions to the—and he referred to it as well—the draft NPRM. That draft NPRM estimated a $10 million a year cost to industry and it also estimated benefits in better health for flight attendants and lives saved.

Could you elaborate on that? Are you familiar with that estimate?

Mr. BRODERICK. I would be happy to. Yes, I am.

The fact is that the identifiable benefits—I mean the identifiable costs were labeled at $10 million. There were a number of issues that we intended to raise with the respondents to the potential proposal, which we would have asked if those cost estimates were accurate, and in many areas, in fact in most areas quite frankly, we had very little data on which to base cost estimates.

So I would say that it was clearly an incomplete estimate of the cost of the regulation, but I do not know if it was off by 10 percent or a factor of 10.

With regard to the benefits that were enumerated in the document, the fact is that those were assumed. We had no data to show that the particular regulation was going to specifically do anything. We assumed that it would improve health, reduce lost days of work, reduce sick days, et cetera.

As you recognized earlier, most people are now looking at something like an 8-hour workday or even a 7½-hour work day, but there are those who would increase by 20 or 25 percent or even more those work hours in a given day to 10 or sometimes 12 hours to take advantage of flex-time policies.

I think it is probably hard to believe that people who work 10 hours a day are incurring a loss of productivity compared to those of 8 hours of day from health and safety reasons.

Mr. OBERSTAR. Well, there is a factor that enters into that calculation, that is the effect of stress. The FAA conducted over a period of several years, 27 different studies of stress of air traffic controllers, dismissing each one of them because the results came out in a way the FAA did not like and said, you know, we did not like this study for that reason, we did not like it for another reason.

Eventually though, that issue had to be dealt with because the controllers broke under the stress and went on strike and that changed the landscape for aviation for 7 or 8 years.

I think the degree of stress involved in aviation and in the unique responsibilities of flight attendants is one that needs to be addressed and I hope that is going to be part of your calculation.

Mr. BRODERICK. Well, we certainly are going to gather all the data that we can. We have some pretty good people that are working with us in the human factors area right now, but as Mr. Beaudette indicated earlier, we have been actually quite unsuccessful in

finding analogous situations for which there is good scientific or even work day data available.

I think that, once again, we find ourselves, as Mr. Boehlert implied, leading the pack. We are just going to have to develop whatever data exists because I do not see a big background of data in the libraries.

Mr. OBERSTAR. Well, there is a considerable amount of data on fatigue in other professions, in other work areas. I suggest that you have your team look into those areas and we will be happy to help you with the literature to direct you to those areas where studies have been conducted or information is available so that you can have some baseline comparisons.

Are flight attendants now under the drug testing rules?

Mr. BRODERICK. I believe the new regulation does cover flight attendants, yes, sir.

Mr. OBERSTAR. So absent a regulation on duty time, we would be in the—we would have the FAA in the position of testing people for drug use to perform a job for which they may not be physically fit because of fatigue. That is quite anomaly it seems to me and I think that is something that needs to be considered in the process that you are about to undertake.

Mr. MINETA. Mr. Chairman?

Mr. OBERSTAR Yes.

Mr. MINETA. Could I interject a question?

Mr. OBERSTAR. Be happy to yield to the gentleman.

Mr. MINETA. You reminded me of something. As we consider these, you will be looking at both flight time as well as duty time?

Mr. BRODERICK. Yes, sir, a rest time as well.

Mr. MINETA. A rest time as well?

Mr. BRODERICK. Yes.

Mr. MINETA. Now in terms of if you were to weigh duty time/flight time, which becomes more a critical mass in terms of safety, ability to do the job, et cetera?

Mr. BRODERICK. Well, I think it depends on the situation. If you are looking at many small flights, it can be much more tiring in a shorter period of time than one long flight. On the other hand, as a general rule I think, as I indicated earlier, we tend to gravitate toward focusing on not so much duty time, but rest time in a 24 hour period as we do with pilots who we are also heavily involved in fatigue studies as you know. And the reason for that is that duty time sometimes can—well, always in fact, can be something that is affected by unexpected and uncontrollable events. If you have an absolute limit on duty time as opposed to scheduled time or rest periods, you can get into quite a complex series of enforcement problems.

So we have tended, in the pilot's case, to specify schedules and enforce those reasonable scheduling requirements on carriers in the new domestic rules and focus on rest time.

Mr. MINETA. But even there on the flight deck we have said, yes, a 747/400 with 916,000 pounds of gross take off weight being able to fly 7800 miles, it is okay to have two people up front.

Mr. BRODERICK. Not for 7800 miles it would not be.

Mr. MINETA. Not for 7800 because what do you do?

Mr. BRODERICK. Augment the crew.

Mr. MINETA. You have another crew up there.

Mr. BRODERICK. And, of course, all of the——

Mr. MINETA. What about the flight attendant crew?

Mr. BRODERICK. All of the major airline contracts that I have seen have similar kinds of implicit augmentation. They require rest periods on long flights.

Mr. MINETA. Ah hah, implicit.

Mr. BRODERICK. Well, what I mean is that they do not—they just choose to phrase it differently. The rest period during the flight is explicit. Now the one thing I hasten to add, is that on the major scheduled international carriers that is the case. One of the things we want to look at is the smaller non-scheduled carriers who are flying similarly long trips with fewer airplanes and fewer flight attendants and most of them have no labor contracts. If there is a problem, I think it may turn up in that area.

Mr. MINETA. I am just hoping that as you talk about data that in the absence of Galaxy type accidents that you are not going to say, "Well, there is no need for something like this."

Mr. BRODERICK. No, as a matter of fact, I would even be willing to rule out the need for that kind of data. What I am talking about is data which common sense will tell you shows an abuse of scheduling. That has nothing to do with past accidents. I just do not think we will able to get that data.

Mr. MINETA. Thank you, Mr. Chairman.

Mr. OBERSTAR. Well, that is very good to hear. That is the direction in which I was moving. I wanted to explore the question of sufficient data and how gory the details have to be before the agency will be convinced that something is needed. And you have responded to that.

Do you anticipate that the contracts between airlines and unions will serve as some guidepost in this inquiry you are going to undertake?

Mr. BRODERICK. Well, they will certainly serve as a point of reference, but we are really—that just helps us eliminate some of the desires that people have.

What I really want to look at is actual flight times and actual duty times that were incurred by people. Contracts sometimes are promises made and not necessarily kept or observed and they all have options clauses in them that say, by mutual agreement we can both violate the contract.

Mr. OBERSTAR. That is right. I mean you should not take those as just the framework and exclusively such.

The NTSB over years has done a number of inquiries into fatigue as it affects aviation, and particularly in 1985, the board submitted to FAA its views on fatigue. Are you going to consult with the NTSB in this process and take their comments into account?

Mr. BRODERICK. We certainly will ask for their comments on it, yes, sir.

Mr. OBERSTAR. The Chair would like to ask unanimous consent to include in the hearing record a memorandum from the managing director of the NTSB—from the Bureau of Technology to the Board members, an August 23, 1985, memorandum of NTSB on fatigue and flight attendants and a letter to the FAA from NTSB Chairman Jim Burnett of October 9, 1985, dealing with the same issue.

Those are public documents and I think they will be useful in compiling our Committee hearing record.

[Items referred to follow:]

National Transportation Safety Board

Memorandum

Date: AUG 23 1985

To: The Board
Thru: Managing Director
From: Director, Bureau of Technology

Subject: Petitions for Rulemaking by the Association of Flight Attendants (AFA) and the Joint Council of Flight Attendants Union (CFAU) to the Federal Aviation Administration (FAA) for Flight and Duty Time Limitations; Docket Number 24397 (Comments due to FAA October 18, 1985).

The two petitioners, representing 58,000 flight attendants, have petitioned the FAA for rulemaking directed at providing requirements for flight attendant rest.

The AFA petition seeks to provide rest by including flight attendants in the recently amended flight time limitations and rest requirements for pilots. The stated basis for the proposal is that flight attendants have important safety duties.

The CFAU petition proposes that air carriers be required to limit periods of work to a maximum of 14 scheduled duty hours for flag carriers and 13 scheduled duty hours for domestic carriers. They have proposed further limits on duty time depending on the number or segments worked and the time of departure of the first trip of the day. Rest periods of at least 10 hours at home base would be required. The petition also would limit a flight attendant's monthly and yearly cumulative duty hours to maximums of 200 and 2000 hours, respectively. This petition indicates that rules are needed to protect flight attendant health, assure and enhance safety in air commerce, eliminate discrimination and provide fair labor standards for flight attendants.

The Safety Board has frequently acknowledged the importance of flight attendants with respect to passenger safety. The Board has opposed proposals to reduce the minimum number of required flight attendants and has made recommendations about flight attendant training. The Board favored also the inclusion of flight attendants in the new alcohol and drug use rule because of their role in passenger safety.

The Safety Board has not issued any recommendations relating to flight attendant rest requirements. To date, the Board's recommendations in all modes have been directed at operator

work/rest cycles with the goal of preventing accidents. The flight attendants' role in preventing accidents is not prominent; however, they have a unique role in preventing injuries or death when an accident occurs. This role has been documented in numerous accident investigation reports. The Board has issued numerous recommendations relating to flight attendant training, procedures, and equipment intended to enhance passenger safety.

The information in the two petitions by the flight attendant unions provides a solid basis for FAA to begin rulemaking action. Staff believes that perhaps the most expedient approach to getting flight attendant rules established would be to include flight attendants in the current pilot flight and duty time requirements as advocated in the AFA proposal. However, rather than comment in detail on the petitions, staff believes that on balance, it would be more appropriate to withhold detailed comment until FAA issues an ANPRM or NPRM. Consequently, staff recommends a general comment urging the FAA to begin rulemaking as soon as practicable.

Because of their bulk (65 pages), the two petitions are not attached to this memorandum, however, a summary of the petitions, which appeared in the June 18, 1985, issue of the Federal Register, is attached for reference. Further, the entire text of the petitions is available from Nora Marshall (382-6574) of the Survival Factors Division. She is also prepared to discuss this matter as desired.

I propose the Chairman sign the attached letter by October 7, 1985. Should any Member have comments about this proposed action, notification by October 1, 1985, would be appreciated.

James W. Danaher

Attachments
Summary of Petitions
Proposed Letter to FAA

cc: MD-1, 2, GC-1, AI-1, FO-1, GAPA-1, SP-1, 10, 20

OCT 9 1985

Federal Aviation Administration
Office of the Chief Counsel
Room 916
800 Independence Ave., S.W.
Washington, D.C. 20591

Attention: Rules Docket (AGC-204) Petition Docket No. 24397

Dear Sir:

This is in response to the Federal Aviation Administration's (FAA) Notice of Petitions for Rulemaking received from the Association of Flight Attendants (AFA) and the Joint Council of Flight Attendants (CFAU) relating to flight and duty time regulations, Petition Docket No. 24397, which was published at 50 FR 25252 on June 18, 1985.

The Safety Board supports the principle underlying these petitions to provide flight and duty time limitations for flight attendants so as to ensure that they have adequate rest.

Considerable research has been conducted on fatigue and its effects on human performance. Although, to our knowledge there have been no controlled studies of the effects of fatigue on flight attendant performance, related research has been conducted on train crews, pilots, nurses, truckers, bus drivers, military personnel, and shift workers. Data from these studies indicate that performance deterioration results from loss or disturbance of sleep, long duty hours, and changes in work/rest cycles

The FAA has acknowledged the importance of the flight attendant in passenger safety in its regulations for flight attendant training and by including the flight attendants in its new regulation on alcohol and drug use (14 CFR 91.11). According to the FAA, the flight attendants were included in this new rule because "as crewmembers" their use of drugs or alcohol would be detrimental to passenger safety. The Safety Board believes that flight attendant fatigue also can be detrimental to passenger safety.

The Safety Board's recent investigation of the Galaxy Airlines L-188 accident in Reno, Nevada, on January 21, 1985, disclosed flight attendant scheduling practices that could be detrimental to safety. At the time of the accident two of the flight attendants (the minimum number required) had been on duty for 18 hours and 39 minutes. If these flight attendants had reached their scheduled destination, their duty time would have been in excess of 25

hours. Galaxy flight attendant rest provisions were determined solely on the basis of aircraft ground time. The attendants' two week schedule included all flights of the aircraft during that period. Lack of regulation permits this type of scheduling. The Safety Board is concerned that schedules such as these could impair the flight attendants' ability to perform the physical and mental tasks required in both unexpected emergencies and in emergencies which include time to prepare the passengers and cabin.

The AFA and the CFAU have presented detailed information in their petitions and have provided a basis on which the FAA can begin its rulemaking action. The Safety Board urges the FAA to initiate rulemaking on this important safety issue as soon as practicable.

Respectfully yours,

Jim Burnett
Chairman

(d) *Reports of crimes, suspected crimes, and unexplained losses*— (1) *Purpose and scope.* Insured institutions are required to promptly notify the appropriate law enforcement authorities and the Corporation after unexplained losses or known or suspected criminal acts are discovered. This section applies to known or suspected crimes against insured institutions both by employees of the insured institution and by others, and to crimes or suspected crimes against another financial institution thought to be committed by a person associated with the insured institution.

(2) *Reports.* A written report shall be made by an insured institution to the United States Attorney for the area in which the crime, suspected crime or unexplained loss occurred, within 14 business days after discovry, and copies of the report shall be sent to the appropriate local office of the Federal Bureau of Investigation and to the Board's District Director for the district in which the home office of the insured institution is located, concerning an unexplained loss or known or suspected criminal conduct, including any:

(i) Theft, robbery, embezzlement, check-kiting operation, fraud or attempted fraud, unexplained loss, or other known or suspected misapplication of funds or other things of value belonging to an insured institution or entrusted to its care;

(ii) Requests for, receipt of, or agreement to receive bribes in connection with any transaction or business of such an institution; or

(iii) False statements or reports or overvaluation of land, property or security, or omission to state or attempt to conceal information for the purpose of influencing the actions of an insured institution, the Corporation or the Board.

(3) Except as provided in paragraph (d)(4) of this section, the written report shall include the following:

(i) The identity of the insured institution and its asset size;

(ii) The approximate date and dollar amount of the suspected violation;

(iii) The amount of any loss;

(iv) The amount of any recovery obtained;

(v) The location of the United States Attorney and of the office of the Federal Bureau of Investigation to which the report is being sent;

(vi) The identity of any person suspected of committing the violation and whether he is currently affiliated with the insured institution;

(vii) A summary of the suspected violations;

(viii) A chronological account of the violation, including copies of relevant documents, an explanation of who benefitted from the transaction, any explanation of the transaction provided by the suspect or others, and recommendations for further investigation;

(ix) Whether there has been a confession;

(x) Identities of any witnesses and persons discovering the violation; and

(xi) The identities of the person preparing the report and of persons who are authorized to discuss the referral with the Department of Justice or other law enforcement authorities.

(4) If the referral involves an actual or probable loss or unexplained disappearance of less than $10,000 before any recovery and no affiliated person is suspected of being involved, the written report is required to include only the information required by paragraphs (3)(i), (ii), (iii), (v), (vi), (vii), (ix) and (xi) of this paragraph (d).

(5) Reports required under this section shall be made on forms prescribed by the Corporation. Reports may be made orally in emergency cases, such as when it is likely that evidence or witnesses will become unavailable before a written report can be made; or where other circumstances dictate an immediate referral. In such cases, the report shall be documented by later completion and filing of the prescribed form(s).

(6) The chief executive officer of the insured institution or his designee shall notify the board of directors, not later than its next regularly scheduled meeting following the crime, suspected crime, or unexplained loss, of any reports filed pursuant to this section.

(7) Reports made under this section and related records of all crimes, suspected crimes, or unexplained losses shall be maintained at the insured institution's home office for three years.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85-14556 Filed 6-17-85; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PR-85-6]

14 CFR Ch. I

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawls of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before, August 19, 1985.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916,

FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on June 10, 1985.

John H. Cassady,
Assistant Chief Counsel, Regulations and Enforcement Division

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
24603	Regional Airline Association	Description of petition: To amend § 135.157 so that the oxygen requirements for operations of pressurized aircraft at altitudes above 10,000 feet mean sea level (MSL), up to and including 25,000 feet MSL (flight level 250), are more consistent with §§ 121.331 and 121.333 requirements for operation of pressurized airplanes at these same altitudes. Regulations affected: 14 CFR 135.157
24618	Hawaiian Airlines, Inc.	Description of petition: Petitioner requests that the FAA institute a rulemaking proceeding to establish uniform criteria for the grant of exemption to 14 CFR 91.309. The institution of such a proceeding will ensure that all views will be heard and received in the final formulation of a governmental policy on the controversial issue. Regulations affected: 14 CFR 91.309.
24601	Worldwide Airlines, Inc. Carefree Vacations, Inc.	Description of petition: Petitioners are requesting the FAA to use the rulemaking procedure for the adoption of uniform criteria in order to satisfy the Court's remand in *Airmark Corporation v. FAA, et al.*, decided March 29, 1985. Uniform standards for exemption should be adopted by a rulemaking proceeding so that the FAA satisfies the constitutional, statutory, and federal common law requirements that agency actions be consistent and even-handed. Regulations affected: 14 CFR 91.309.
24397	The Association of Flight Attendants (AFA)/Joint Council of Flight Attendants Unions (CFAU)	Description of petition: The Petitioner, AFA, representing 21,000 flight attendants at 14 airlines, petitions for "part and duty time regulations in Parts 121 and 135 equivalent to those applying to the pilots." Insofar as the pilot rules are amended during the time this petition is under consideration, petitioner seeks to have the amended rules applied to flight attendants. Petitioner seeks an amendment to require that no flight attendant be assigned to more than 8 hours of duty during any 24 consecutive hour period, and that no flight attendant be required to remain on duty for more than 16 hours in any 24 consecutive hour period. Petitioner seeks to eliminate the ambiguity of the phrase "free from duty." Training, deadheading, stand-by and ready reserve status or reasonable notification to cover an disposed period of off-time would not constitute the intent of "free from duty." The basis for this proposal is that flight attendants perform crucial safety duties during normal and emergency situations, and should have the same degree of rest as the pilots. Petitioner CFAU, representing 37,000 flight attendants, proposes that air carriers be required to limit periods of work to a maximum of 14 scheduled duty hours (flag) and 13 scheduled duty hours (domestic) with reductions in scheduled duty limits under specified conditions. An extension of duty time is allowable for long range non-stop flights. The proposed rules would limit a flight attendant's monthly and yearly cumulative duty hours to maximums of 200 and 2,000 hours, respectively. Regulations affected: 14 CFR Portions of Parts 121 and 135.

[FR Doc. 85-14516 Filed 6-17-85; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-CE-20-AD]

Airworthiness Directives; Cessna Models U206F, U206G, TU206F, TU206G, 207, T207, 207A and T207A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to Cessna Models U206F, U206G, TU206F, TU206G, 207, T207, 207A and T207A Airplanes. This AD would require inspection of the inboard end on replacement wings or rear spars (full spar or inboard end) to determine if a doubler had been installed during manufacture. If the doubler is not installed, corrective action is required to prevent possible failure of the wing rear spars.

DATES: Comments must be received on or before July 25, 1985.

Compliance: Within the next 100 hours time in service after the effective date of this AD.

ADDRESSES: Cessna Single Engine Service Bulletin SEB85-9 dated May 3, 1985, applicable to this AD may be obtained from the Cessna Aircraft Company, Post Office Box 1521, Wichita, Kansas 67201 or the Rules Docket at the address below.

Send comments on the proposal in duplicate to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-CE-20-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas W. Haig, Aerospace Engineer, FAA, ACE-120W, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-CE-20-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

During the manufacture of wing rear spars for spare parts on Cessna Model 206 and 207 airplanes the manufacturer inadvertently failed to install a doubler on the inboard end. Static tests revealed that such spars could not hold the required ultimate load. Therefore, it is necessary to inspect and repair as necessary the rear spar on those affected aircraft that have had full spar or the inboard end of the spar replaced. Inspection and repair procedures are called out in Cessna Single Engine Service Bulletin SEB85-9 dated May 3, 1985. Since the condition described herein is likely to exist or develop in

Mr. OBERSTAR. Are you going to have two phases of this inquiry, one with the major carriers and the other with the commuters and regionals?

Mr. BRODERICK. I actually hope to do it simultaneously rather than in a time phased effort because we actually are setting ourselves quite an ambitious schedule and do not have sufficient time to do it as sequentially.

Mr. OBERSTAR. Good. Well, that is very, very helpful.

I have a number of other points that I wanted to cover, but I think some of these we can reason together informally.

Does the gentleman from Pennsylvania have further comments?

Mr. CLINGER. Thank you, Mr. Chairman.

Just a couple of follow ups. Given the time frame that you have set yourself and the fact that we are really starting from scratch in terms of data collection, this is going to require, I would think, a fair commitment of resources of the agency to this effort. Is that right? Do you feel you have the resources?

Mr. BRODERICK. Yes, we certainly have the resources available and if we did not we do not have the time to get any more. So we are going to have to use available resources, sir.

Mr. CLINGER. Some day in the not too distant future there will be a new Administrator at the FAA.

Mr. BRODERICK. But soon, I am confident.

Mr. CLINGER. Do you think this is locked in concrete? I mean a new Administrator is not going to come in and veto this effort and turn it around?

Mr. BRODERICK. Mr. Clinger, I am confident of that. What we are doing is the right thing. I am not saying that we have decided that on September 18, we are going to propose to regulate and here are the regulations. We are providing the data for all people who are interested to make a reasonable decision.

Admiral Busey, I know by reputation and only very briefly, but his reputation is one that he is a very analytical person and is, I am confident, going to be persuaded the same way any reasonable person would be by the weight of the evidence if there is a need to regulate.

Mr. CLINGER. Well, if there is any problem, I am sure you can count on this Committee to back you up and support you.

Mr. BRODERICK. I have no doubt.

Mr. CLINGER. Thank you very much.

Mr. OBERSTAR. Thank you. We hold you excused, Mr. Broderick and Mr. Beaudette.

Mr. BRODERICK. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you very much.

[Mr. Broderick's prepared statement follows:]

STATEMENT OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING FLIGHT AND DUTY TIME LIMITATIONS. MAY 17, 1989.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee today to discuss with you the subject of flight and duty time limitations for flight attendants. This issue has been raised with the FAA in the past by the flight attendants' unions and is addressed in H.R. 638, which is currently pending before the Subcommittee.

Recently the FAA responded to two petitions for rulemaking which flight attendants' unions had filed with the FAA requesting the establishment of specific flight and duty time limitations and rest requirements for flight attendants engaged in passenger-carrying operations.

Summaries of the petitions were published in the Federal Register in order to solicit public comment. The comments we received could generally be broken down into two distinctly different categories: 1) some argued that there is a need for some type of limit on flight, duty, or rest time for flight attendants since,

without such limits, airlines might require flight attendants to work until they are fatigued and unable to provide the expected level of passenger safety; and 2) others argued that no safety data exists to support a limitation on flight attendant flight, duty, or rest time and, in the absence of a safety reason, the problem, if any, is a labor/management one not within the ambit of the FAA.

After careful analaysis of the arguments presented, the FAA issued a denial of the petitions on January 23. As described in our analysis contained in that denial of petition, we concluded that: "there is no empirical evidence that shows any correlation between flight attendant duty time, flight attendant safety duties, and risk to passengers. For that reason there is no reasonable method to determine requirements for cost beneficial flight attendant duty time that are directly related to safety. There is no showing that the unrelated instances cited in a few comments of lengthy flight attendant duty time either were the result of work rules mandated by the company, or were systemic throughout the industry. Nor was there a showing that these instances had an adverse impact on safety. The cost to the carriers of administering the proposed rules and to the FAA in enforcing them, thus cannot be justified based on any empirical or reasonably estimated safety benefit." (Regulatory Docket No. 24397, January 23, 1989)

In short, during our analysis of these petitions, petitioners and supporting commenters did not provide adequate data concerning the safety aspects of the petitioners' proposals to justify the FAA's initiation of a proposed rulemaking in this area. I want to stress to the Subcommittee, however, that the FAA does not have a preconceived bias in this area; we agree that flight attendants have an important safety role. Our concern is that there needs to be a demonstrable safety basis to proceed with regulatory action, since, unless safety issues are involved, the FAA does not play a role or take sides in what are otherwise labor-management issues.

In the present instance, we have concluded that the case has not been made for FAA to propose the initiation of regulations which, although not adequately justified from a safety perspective, could impose significant compliance costs on the airlines. I want to make it clear, though, that we are perfectly willing to take into account whatever additional safety information or data that proponents of flight and duty time limitations for flight attendants can bring forth to the FAA.

In view of the lack of safety data which would indicate that flight and duty time limitations should be imposed for flight attendants, we do not support the enactment of H.R. 638. H.R. 638 would require that the FAA establish limitations on duty time, including minimum rest requirements, for flight attendants and, in

the absence of the initiation of a rulemaking proposal within 60 days or the promulgation of final regulations within 240 days by the FAA, would mandate a comprehensive program of duty time limitations and rest requirements for flight attendants.

Since we have not developed sufficient data to conclude that rulemaking should be initiated in this area, we do not believe that there is an adequate basis for proceeding with legislation, either. In addition, we note that there are a number of technical problems with H.R. 638.

Significantly, the duty time and rest requirements for flight attendants imposed by H.R. 638 would appear to be more stringent than those in effect for pilots. Further, if the bill's mandated schedule of duty time and rest requirements were implemented, that schedule could not be changed by regulation except for safety reasons. Presumably, this would mean that the provisions of the legislation could never be lessened, even if studies and data confirmed that high safety levels could be maintained with lesser requirements; the bill would apparently permit only more stringent requirements in the future.

Additionally, some of the definitions in the bill are vague (e.g., the term "duty period" in subsection (c)(1)) and some of the bill's provisions are ambiguous (e.g., does subsection (c)(4)

require twelve 24-hour rest periods per month or does it require eight?).

In closing, Mr. Chairman, I want to reiterate that the FAA believes that flight attendants play an important safety role. The proponents of establishing flight and duty limitations, however, have not been able to provide us with the kinds of data which would lead us to conclude that there is a safety issue needing addressing through regulations. Should that information be made available to the FAA, I can assure you we will reconsider the need to establish such limitations for flight attendants.

That completes my prepared statement, Mr. Chairman. I would be pleased to respond to any questions you may have at this time.

Mr. OBERSTAR. Our next witnesses are Susan Pelico, Danica Whilhelm, Chuck Willman, William George Sinunu.

It is our understanding that you individually and collectively prefer not to reference your airline association, and we hold you excused from that and respect your desire.

Ms. Pelico, I understand that you are the designated first hitter here.

TESTIMONY OF SUSAN PELICO, FLIGHT ATTENDANT FOR A MAJOR AIRLINE

Ms. PELICO. Thank you, Mr. Chairman and the members of the Subcommittee. It pleases me to be here and talk about flight attendants' excessive duty time and inadequate rest.

From the first day of training as a flight attendant, I was told that my most important job function on the aircraft was to ensure the safety of passengers, as well as my fellow crew members.

Forcing a flight attendant to work an excessive duty period creates an unsafe working environment not only for themselves, but for those very passengers whose safety is supposed to be our primary concern.

Unfortunately, because of my unwillingness to subject passengers and myself to exactly this type of situation, I was terminated as flight attendant.

In April of 1988, I was scheduled to work a non-stop flight from Los Angeles to Newark. The flight was scheduled to depart at 8:25 a.m., and the flight attendants were required to report to work at least 1 hour prior to departure.

We took off at 9:00 a.m., but the take off was aborted. While aborted take offs are rare, they are potentially dangerous and produce a certain amount of stress for the crew member and the passengers. It is a fact that many serious accidents have occurred as a result to unsuccessful aborted take offs.

We left Los Angeles at 11:00 a.m., and an hour and a half into the flight as we were serving breakfast, we were informed by the cockpit that we had lost an engine and that we were to return to Los Angeles immediately.

When we had landed at 2 o'clock in the afternoon, we were advised that the flight had been rescheduled to leave at 6 o'clock at night.

The company had no intention of replacing us and we had been with the passengers for nearly 10 hours now calming, answering questions and reassuring the entire time.

The company expected us to take off at 6:00 p.m., get into Newark at 3:00 a.m., and the next day fly back to Los Angeles.

The plane ended up taking another delay and passengers were so upset and angry that they had called the news media who had swarmed the gate to interview the passengers.

There was mass confusion everywhere and finally the company told us that they were going to replace us, but we were still required to go with the passengers and deadhead to Newark to be in position for the next day to work our plane back to Los Angeles.

By the time we took off and landed in Newark, it was 4 o'clock in the morning. Once returning to Los Angeles, we were asked to turn in our badges and we were terminated.

Even though the company had agreed to limit our duty hours to a maximum of 16, they said due to unusual circumstances they could insist that we remain on duty.

One flight attendant became ill during this entirely long day, had left the aircraft, had called in sick, and was consequently terminated with the rest of us.

The most frustrating point was that there were reserve flight attendant crews available and the pilots were automatically replaced at 2 o'clock in the afternoon.

At the present time, we are going through arbitration and we are hopeful that we will be reinstated and resume our careers as flight attendants.

Duty limitations and minimum rest periods are extremely important to flight attendants. Expecting a flight attendant to be able to react in an emergency quickly and effectively after being on duty for over 16 hours is jeopardizing the safety of the people on board.

At the present time, I work very closely with flight and duty limitations. My job in the interim at another airline is that of a crew coordinator for all pilots, which requires me to plan out all trip logs, schedules and pairings. I also log all flight times and maintain all training records.

My main guideline, which requires me to build these safe schedules, are the Federal Aviation Regulations.

If duty limitations protect the pilot for safe operation of an aircraft, why not flight attendants if their primary purpose on board is safety?

Why allow major carriers to abuse flight attendants' health and safety, as well as the safety of the passengers, by forcing them to endure long duty days while other flight personnel, pilots, engineers, air traffic controllers, and dispatchers are protected by the Government.

Companies should no longer have the right to require excessive duty days that jeopardize passenger safety, and until the Government puts controls on the carriers, the safety of the peoples lives on board will always be in question.

Thank you very much for allowing me to speak today, and I will be happy to answer any questions.

Mr. OBERSTAR. Thank you very much for your presentation.

Our next is Ms. Wilhelm.

TESTIMONY OF DANICA M. WILHELM, FLIGHT ATTENDANT FOR A MAJOR AIRLINE

Ms. WILHELM. Good afternoon, Mr. Chairman, and members of the Subcommittee. My name is Danica Wilhelm. I have been a flight attendant for 7 years.

Like the other flight attendants here today, I have taken time off work and risked reprisal from my carrier for testifying before you to discuss the serious need to limit flight attendant duty time and guarantee our rest time.

It is an honor to be here today, and I would like to briefly tell you about a trip I flew last year.

On June 2, 1988, I reported to the airport at 4:09 p.m., for a 3 day trip. I worked a 737-300 taking off and landing a total of six times the first day as we flew from Syracuse to Newark, Newark to Raleigh-Durham and Raleigh-Durham to Roanoke.

The flight was due to arrive in Roanoke at 9:30 p.m., however, due to poor weather conditions, we arrived at 11:00 p.m., 7 hours since our report time and after serving and ensuring the safety of hundreds of passengers.

By the time we deplaned the passengers, rode to the hotel, checked in, and went to our rooms it was almost midnight.

To make it to the airport in time for my check in for my morning flight, I had to report to the hotel lobby at 7:00 a.m., to catch the van to the airport.

In order to present myself in the manner required of flight attendants, get myself something to eat, I had to wake up at 5:30 a.m. I had less than 5 and a half hours of sleep.

At 7:45 a.m., we departed Roanoke and worked to Charlotte, Charlotte to Greensboro, Greensboro to Baltimore, and from Baltimore to Boston. When we arrived in Boston in the middle of our day at 1:50 p.m., after a total of eight take offs and landings, we were informed at arrival that we would be changing aircraft.

We quickly closed out liquor kits, stocked the cart, cleaned the galley and entire cabin and moved to another gate. Once there, we discovered our new aircraft was 2 and a half hours late inbound. So we sat in the airport waiting area until 4:20 p.m.

Scheduling substituted a 727 for the remainder of our trip. Although familiar with the emergency equipment and procedures through annual recurrent training, none of us had worked a 727 since having been trained on that equipment, which in my case had been over 2 years.

Once the plane did arrive, the agents insisted on boarding the passengers immediately. This meant we barely had enough time to check the emergency equipment and reacquaint ourselves with the aircraft.

It is imperative for safety reasons not only to check the emergency equipment, but to actually know the aircraft. We simply did not have time to accomplish all of that.

We then worked for 3 hours and 20 minutes from Boston to Newark and Newark to Norfolk. We were extremely tired both physically and mentally during these flights of the trip.

During taxi in at Newark, a passenger got out of his seat and walked toward the forward door. This is in direct violation of FARs.

Normally as my jumpseat partner was making an announcement asking all passengers to remain seated, I would have gotten out of my jumpseat to personally persuade this passenger to have a seat until we were safely parked at the gate. However, I was so tired, I let the announcement suffice and called the captain to inform him that a passenger was out of his seat.

When I finally finished with the service on the flight to Norfolk, I sat down on the aft jumpseat to rest, and the aircraft was struck by lightning. This potentially dangerous situation had no effect on

me whatsoever. I was so exhausted I was not sure I could react appropriately and perform my emergency duties, if needed.

My experience as an Association of Flight Attendants Safety Chairperson for 2 years had given me considerably more safety training through the union than the average flight attendant. Consequently, I was deeply disturbed that I was not sure I could have reacted properly to a critical situation.

Fortunately, there was no structural damage to the aircraft and we landed safely in Norfolk. We then worked from Norfolk to Charlotte arriving at the gate at 10:45 p.m.

I had been on duty for over 13 hours, yet it actually felt like I had been on duty for almost 31 hours with only 5 and a half hours of sleep.

No words can describe how exhausted I was. By the time I arrived at the hotel, I was so keyed up, it took me over an hour and a half to really wind down and fall asleep, and this is a common occurrence among flight attendants.

On the third and final day I reported to the hotel lobby at 11:30 a.m., to catch the van to the airport. Even with 8 and a half hours of sleep, it was difficult to concentrate and keep up the pace.

We departed Charlotte and worked to Daytona Beach, Daytona Beach to Jacksonville, Jacksonville to Baltimore, and Baltimore to Syracuse. We arrived in Syracuse at 10 o'clock p.m., after another 10 and a half hours. I finally arrived home, after serving over 1,000 passengers, preparing for a possible emergency, getting less than 14 hours sleep over 3 days, and being on duty for almost 35 hours, and I slept the entire next day.

Just last week on the first day of a 4 day trip, I was on duty for 15 hours and logged 11 hours in the air. It is extremely rare for a flight attendant working domestic routes to log that many hours in the air in one duty period.

Needless to say, this extended duty period cut into our scheduled rest and I had only 6 and a half hours sleep before working another 9 hour day.

I do not mind working long hard days and I believe most flight attendants would agree with me. I love my job. I am a safety professional with vitally important safety responsibilities.

Flight attendants are responsible to help passengers during emergencies that occur in the air such as in-flight fires, decompressions, severe turbulence, highjackings, terrorist acts, and medical emergencies, as well as evacuations after crashes.

We need to be well rested during our trips. We need adequate rest periods. We are responsible for hundreds of passengers' lives each time we fly and we must be alert.

Thank you for the opportunity to appear before you today. I will be glad to answer any questions you may have.

Mr. OBERSTAR. Thank you for reciting that nightmare that you experienced in real life. I know that it is very difficult to recount and retrace those steps, but I think it will be helpful for the purpose of this hearing and for the future of work in the air cabin environment.

Ms. WILHELM. Thank you, Mr. Chairman.

Mr. OBERSTAR. Mr. Willman.

TESTIMONY OF CHUCK WILLMAN, FLIGHT ATTENDANT FOR A FEEDER CARRIER

Mr. WILLMAN. Good afternoon, Mr. Chairman, members of the Subcommittee.

My name is Chuck Willman. I have been a flight attendant for 2 years. Unlike the other flight attendants testifying today, I work for a feeder airline.

I am pleased to be here to discuss why it is essential that flight attendants are alert and well rested when they are working.

I am here to explain why it is necessary that this bill passes to ensure duty time limitations and adequate rest periods for flight attendants.

Before I give you an example of an especially difficult 3 day trip I flew recently, I would like to briefly tell you about some of the major differences between flying for a major carrier on larger aircraft and flying for a feeder on smaller aircraft.

Smaller aircraft have less stable pressurization, which makes flying less comfortable for both flight attendants and passengers. Consequently, I have to spend more time aiding those passengers with blocked ears and other problems caused by unstable pressurization.

Since turbulence has a greater effect on smaller planes, time must be spent helping nauseated and sick passengers as well. In addition, smaller planes have poor climate controls. So the planes tend to be either too hot or too cold. Obviously, this causes further discomfort for the flight attendant and passenger.

Another major difference between flying for a major carrier and a feeder is the difference between the work day. For example, I am usually the only flight attendant on board the flight. This gives me full responsibility for all the passengers, their comfort, their health and their safety.

Thus, since flights on which I work are shorter, I have less time to serve each passenger safely between take off and landing.

Finally, an average day for a flight attendant working for a feeder carrier includes a high number of take offs and landings. I can work seven flight segments, which means seven take offs and seven landings in one day.

Take offs and landings have a tremendous effect on one's body since they are the most stressful and potentially dangerous periods of a flight.

Recently I flew a trip which is an average trip for a feeder-line flight attendant and which I believe clearly demonstrates the need for this bill.

During this 3 day trip, I had a total of 16 take offs and landings on the first day. I worked from Fort Wayne to Chicago, Chicago to South Bend, South Bend to Chicago, Chicago to Milwaukee, Milwaukee to Chicago, Chicago to Milwaukee, Milwaukee to Chicago, and Chicago to Kalamazoo.

I had a total of 14 take offs and landings on the second day of the trip and 10 take offs and landings on the third day. The scheduled ground time between each flight is typically 12 to 20 minutes. Therefore, if we encounter a delay, it is nearly impossible to make up the time on the ground.

Of course, any delay is also likely to further decrease an overnight rest period. Each day was more tiring than the day before. The unstable pressurization, turbulence, number of flight segments combined with the number of passengers boarding and deplaning was exhausting.

Sometimes I found myself getting a bit relaxed on even simple tasks such as proper stowage of carry-ons. To make the situation worse, I never got an adequate night's rest.

The rest between each day never exceeded 8 hours. This means from the time I checked out at the airport and actually left the terminal to the time I had to check in at the airport the next morning was less than 8 hours.

Travel to and from the hotel, checking in, eating, showering, sleeping, getting ready for work and checking emergency equipment and all catering supplies in preparation to greet my passengers all needed to be completed within 8 hours. On a minimum rest time overnight, I was lucky to actually sleep for 6 hours.

By the 6:15 a.m. start of the second day, I was already exhausted. Although I did everything I could to pace myself so I would be fresh and alert for the entire day, it took all my energy not to fall asleep on my jumpseat.

On the third day after yet another short rest period and little sleep, I was so tired after flying for two solid days that my body was numb. The only way I avoided dozing on my jumpseat was by constantly sipping a glass of ice water.

Not having adequate rest, if an emergency situation occurred, I am not certain that I could have performed my safety duties efficiently and effectively.

As a professional flight attendant whose primary concern at all times is safety, this feeling of uncertainty about being able to act quickly and take charge is not only frustrating, but terrifying.

It is essential for both flight attendant health and, more importantly, the safety of the flying public that flight attendants are well rested each and every time they board a plane to work.

I truly believe that if we were permitted to have minimum rest periods of 10 hours, we would be guaranteed a decent night's rest and would certainly be prepared to handle emergency situations more readily.

I strongly support this bill and the work that the Subcommittee is doing in an attempt to protect flight attendant health and the safety of each passenger.

Thank you again for the opportunity to appear before you today and to talk about this important issue. I would be happy to answer any questions at this time.

Mr. OBERSTAR. Before we go on to the next witness, let me say, Mr. Willman, that your experience sounds like training in Marine Corps boot camp.

[Laughter.]

Mr. WILLMAN. Quite similar.

Mr. OBERSTAR. The idea of boot camp is to just exhaust the recruit and run them through the worse possible experience of their life so that they will be prepared for combat. Work should not be combat.

[Laughter.]

Mr. WILLMAN. I agree.

Mr. OBERSTAR. I know the FAA has folks in here listening and I hope they are getting an earful.

[Laughter.]

Mr. OBERSTAR. Mr. Sinunu?

TESTIMONY OF WILLIAM GEORGE SINUNU, FLIGHT ATTENDANT FOR A MAJOR AIRLINE

Mr. SINUNU. Good afternoon, Mr. Chairman and members of the Subcommittee.

My name is Bill Sinunu. I have been working for 3 years as a flight attendant for a major airline. I enjoy my work as a flight attendant and have chosen it as my career, although on occasion I question this decision when I finish flying exhausting and difficult trips.

I am here today to testify about my work as a flight attendant and the hard work we do on a regular basis. I would like to describe 2 days of a typical trip during which we were scheduled to be on duty for 10 hours and 35 minutes the first day, 12 hours and 35 minutes the second day, with a scheduled rest period of 12 hours and 5 minutes.

The purpose of presenting this example to you is to show you how even slight delays and extenuating circumstances can dramatically effect what could be an adequate rest period between two difficult duty periods.

I reported on the first day of the trip at 12:35 in the afternoon in Pittsburgh. We boarded the flight to do our pre-flight check of the emergency equipment, inspect the cabin for anything suspicious like an unattended bag that could possibly contain explosives, check the cabin for cleanliness, broken seats and seat back trays and an adequate magazine selection, inspect the work of the caterers to make sure all meals and amenities had been boarded, particularly special meals such as those for diabetics, stock the beverage cart, check to make sure that we had enough water for a 3 hour flight and that the coffee makers operated properly.

We were scheduled to work from Pittsburgh to Denver, Denver back to Pittsburgh, and from Pittsburgh to Buffalo. The first two legs of the trip were completely booked flights without a single empty seat. We were ready to receive the passengers at 1:05 in the afternoon.

As the passengers were being boarded, I, along with my fellow flight attendants, worked continuously. We provided pre-departure orange juice and white wine, dealt with double seat assignments, assisted unaccompanied minors and other passengers needing special help, stowed over-sized and excessive carry on baggage, moved non-smokers out of the smoking section, and prepared the cabin and galley for push back from the gate.

Once in the air, we provided our standard service offering headsets, three beverage services, choice of three meals, ice cream, cordials, hot towels and mints in coach.

Since westerly headwinds caused us to be late inbound to Denver, we dealt with unhappy and anxious passengers concerned about making their connections.

We were scheduled to have 48 minutes of ground time in Denver, but our late arrival cut into this break. Although we were scheduled for a crew meal during our ground time in Denver, in order to maintain an on time operation, the 20 minutes it took until the Pittsburgh bound passengers were at our door was filled with a barrage of aircraft cleaners and caterers frantically stocking the galley and cleaning the cabin in order to make up as much time as possible.

After helping passengers gather their belongings and deplaning, having run up and down the aisles serving 138 passengers for the past 3 hours and knowing that any moment the gate agent would want to board the flight, I simply did not feel like gulping down a meal while dodging the ground personnel and chose to prop my feet up and take a breather instead.

On the flight from Denver to Pittsburgh, we were again totally booked with a full load of passengers and we offered the same services that were provided on the flight outbound from Pittsburgh to Denver. Again, we were running late inbound to Pittsburgh, this time due to an air traffic control delay that had postponed our already tardy departure.

By the time we landed in Pittsburgh we had criss-crossed two time zones serving 276 passengers, worked 7 hours while walking on an inclined cabin floor pushing a fully stocked cart that can weigh up to 250 pounds.

From Pittsburgh we worked to Buffalo serving 100 passengers beverages in about 45 minutes. Despite our delayed arrival into Pittsburgh and our 1 hour and 15 minute scheduled ground time complete with change of planes, we could have an on time arrival in Buffalo. However, Buffalo had been experiencing an ice storm. Upon landing, the aircraft had little traction and subsequently, the captain had to shut down the engines while we were on the taxi way and we were towed to the gate. This delayed us for the final time that day.

We arrived at the gate in Buffalo at 11:30 in the evening. We deplaned the passengers and made our way to the hotel courtesy van stop. Due to the weather, the van was late and we finally got to the hotel at 12:30 in the morning.

By the end of the day we had logged 7 hours and 58 minutes in the air and had been on duty for 11 hours. Although I was famished, having not had an opportunity to take 30 minutes to relax a bit and eat in the past 11 hours, I decided sleep was more important than food and went directly to my room.

Once there, being too keyed up to sleep, I bought some juice, took a hot shower, and finally drifted off to sleep at about 1:30 in the morning.

I had to report in the lobby at 9:30 the next morning to catch the van back to the airport. I set my alarm for 8:00 a.m. to give me enough time to eat and get ready for my flight.

At 7:15, less than 6 hours after falling asleep, I awoke to loud voices in the hallway. It was the hotel maids trying to figure out who should clean which rooms. Realizing how tired I was, I reset my alarm for 8:30 in the morning, again, choosing sleep over food.

As is the case with many overnight accommodations, this hotel borders the airport property and the noise of departing and arriving aircraft made it difficult to fall back to sleep.

On the second day of the trip, we boarded the aircraft at 10:00 in the morning to do our pre-flight check with the emergency equipment and complete the duties required of us to prepare the aircraft for passenger boarding as we do at every origination.

We were scheduled to work from Buffalo to Las Vegas, Las Vegas to Phoenix, and from Phoenix back to Buffalo. However, scheduling informed us that our flight had been changed to include an unscheduled stop in Rochester to pick up additional passengers.

Once again, all flights on this day had full loads with every seat occupied. Due to the extra stop in Rochester, our ground times throughout the day were shortened and we had little time to rest or eat. In fact, inbound from Phoenix there was one unclaimed passenger meal and we flipped a coin to see which flight attendant could have dinner. I lost. [Laughter.]

By the time we arrived in Buffalo an hour late at 11:07 in the evening, we had been in the air for 10 hours and 35 minutes and on duty for 12 hours. In 2 days time I had been in the air for 18 hours and 33 minutes and had had less than 6 hours of sleep.

Looking back on these 2 days, I question our ability to handle an emergency situation had one occurred. Our senses were dulled and our responses slowed and robotic.

The combination of erratic hours, less sleep, continuous in-flight and on-ground service requirements, time zone changes, and numerous take offs and landings, along with inadequate or nonexistent meals, does not make for an alert crew member or flight attendant.

I think it is important to point out that this is an example of a typical 2 day scenario common to many flight attendants' monthly schedules. We could have been scheduled for a 9 hour and 45 minute rest period. If that were the case for this trip, I would have been lucky to have gotten 4 hours of sleep.

I believe that I can speak for the majority of flight attendants when I urge you to pass this legislation, which would finally set appropriate limits for flight attendant work and rest hours. Passing such legislation is in the interest of both flight attendant and passenger safety.

I am pleased to have had this opportunity to testify before you and welcome any questions from the members.

Mr. OBERSTAR. Thank you very much, Mr. Sinunu. Certainly collectively your testimony is powerful and compelling. In a way I am—I think it is fortunate C-SPAN is not covering this hearing because it would scare a lot of passengers away from the airlines this weekend.

Secondly, I am going to take all of this testimony home and have our 15 year old daughter read it. She once thought that for quite some time she wanted to be a flight attendant. [Laughter.]

As a responsible parent, I feel the duty to guide her to a less threatening occupation.

Seriously, 16 cycles, 14 cycles, 10 cycles in 3 days, 8 take offs and landings, a thousand passengers, 31 hours of work, 5 and a half hours sleep, 13 hours straight, 18 hours work, 6 hours of sleep,

again, I have to say it just sounds like Marine Corps boot camp. It just seems as though someone has been running you through a torture chamber, but this is a work day.

Skeptics will probably say, "Well, but that is an aberration. These things do not happen in the ordinary course of work. You are just citing horror stories."

Are these kinds of experiences that are encountered with some regularity, or are they once in a while occurrences?

Mr. SINUNU. I will go ahead and take a shot at that. The trip that I have this month is a 3 day trip that goes out every Saturday. There are a total of 25 take offs and landings—25 take offs in the 3 day trip. So it is nine legs, nine flights and then 8 flights.

Generally, on a 3 day trip you are going to have 1 day which is going to be a minimum layover, which is 10 hours or less. That is gate to gate though. So that is from the time you block in the night before, until you leave the next day.

Mr. OBERSTAR. Your sense is that this type of schedule is more frequent than infrequent. Is that a consensus of this panel?

Mr. WILLMAN. Yes. Mr. Chairman, especially now at the company that I work for where we have two airplanes that have severe mechanical problems. So they have been grounded. So subsequently, with the lack of equipment, they are trying to avoid cancelling a number of flights. So they are rerouting crews, extending crews. Last week I was scheduled to have a 3 and a half hour break midday on the first day of a 3 day trip and that was taken out by being rerouted. I was required by the company to join another crew and do a round trip. So for me this type of scheduling is very typical.

Mr. OBERSTAR. Well, these kinds of circumstances just—I think that the toll of fatigue is evident in your testimony, in your experiences and your presentation, but stress is a kind of intangible it seems and it is a matter that probably is not going to be effectively focused on in this FAA study unless it is made prominent, unless there is some way to quantify or otherwise express it.

I would like you to discuss for us the stress that comes both from, I think as you pointed out, the take offs and landings, which are two stressful times both for aircraft and for crew and passengers, and the stress that comes from just waiting. Just waiting is stress. They also serve who only watch and wait.

Ms. WILHELM. I think I can address that. On my second day of the trip, after we had only slept for 5 and half hours, it was 1:50 p.m. when we arrived in Boston and it was 4:20 p.m. when the plane came in, our new aircraft. And we sat in the airport waiting area for all that time. There was nowhere for us to go. There was no crew lounge. There was nowhere for us to relax. We had to sit in that area. We may have walked down to the restaurant once or twice, but that was all we did.

And the impatience of sitting and waiting and knowing that this is again cutting into another rest period and knowing we still had three more flights, knowing these passengers who were in the waiting area with us were equally upset and tired as we were, and knowing every flight was going to be full after that—that made the day even more difficult.

Had we continued on our normal day, we would have been tired at the end of the day, but nothing near what we did experience.

Mr. SINUNU. I was just going to add that being on the front line I think that we take a good deal of abuse and I am sure you have seen it time and time again when you travel. When people are frustrated and upset, not just about the airline operations, but just about life in general, they will find someone to take it out on and vent their frustration. And I think that we are the ones, and it is very, very stressful. We do take a lot of abuse in all different forms. And when our company is at fault, we are right there on the front lines whether it be a mechanical problem or—even an air traffic control delay, which you have no control over and it is not really the company's responsibility. You just constantly get barraged and it does, I think, take its toll.

Mr. OBERSTAR. Yes, I have seen that frequently. I think all of us members of Congress travel frequently enough that we occasionally encounter days like you have regularly. So I think we understand your problems.

And before I go on to my colleagues, I want to just—I think we have to raise the point that while the airlines establish the routes that are flown, the flight attendants apply for those routes. You are making a choice in a sense and I think the company reaction or response should be, "Well, you know, they are making a choice."

Do you have any voice in establishing routes? Do you know when you sign up what those next few days are likely to bring? Doesn't the issue of long work hours and short rest times come with the territory? And then the question is, should it?

Ms. Pelico, do you want to?

Ms. PELICO. Go ahead.

Mr. SINUNU. You go ahead.

Mr. OBERSTAR. Do not be so kind to each other. [Laughter.]

Someone has got to answer the questions.

Ms. PELICO. There is always circumstances beyond our control, seasonal changes, barrages of overload, oversold flights, which we cannot expect when we are looking at our schedules. You cannot really take into account if ATC is going to hold you at the gate or if there is to be an emergency.

So I could look at in saying that we look at the schedule hoping that everything will run as smoothly as the schedule is stated and we do an effective and efficient job to make sure that we can get that schedule to maintain that and there are things beyond our control that alleviate—that force the problem to go into our rest and our duty times.

Mr. SINUNU. I would just like to add to that. I think, as in any kind of situation like this, seniority does dictate—for example at my company, you will be on reserve for up to 4 years. So when you are on reserve you just get whatever you get and that is quite a long time to wait before you get a set schedule.

In addition, I think that we may be missing the point because the point is that someone is going to have to work those groups of nightmare trips whether it is me or it is Jane or John Doe. Someone will be out there getting 5 hours of sleep.

Mr. OBERSTAR. Do you have any say in how routes are established? Does the company ever say, "Well, what do you think about this. It is an awful trip." They do not ask you. [Laughter.]

I felt like I just asked a dumb question. [Laughter.]

I think I will quit.

The gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman.

You have certainly given us some pretty frightening case histories here. How often do those occur? Were these unusual circumstances or is this something that you could have cited other days that would have been similar in terms of overload and stress and so forth? Or are these fairly isolated incidence?

Mr. WILLMAN. Again, in my experience they are fairly typical. That does not mean that I work a 3 day trip back to back with another 3 day trip that is real similar, but it does not mean that it is a one shot deal per month. Because I am junior, again, addressing the situation on choosing your schedule, I have only been with the company for 2 years. So I am fairly junior in terms of bidding for schedules. I never get first choice. I take the bottom half of what is left over. Sometimes I will have a 3 day trip that is a nightmare such as the one that I mentioned before, and then I will have a 2 day trip that is quite easy.

But again, if you are working a 3 day trip back to back with a 2 day trip, most times I am still trying to recover from the 3 day trip and I am still not feeling adequately rested to work the 2 day trip.

Mr. SINUNU. I was just going to add something else to that. I think I am speaking for almost all flight attendants when I say this. We are still feeling the ripple effect of deregulation and things continue to get worse. I have only seen the company that I am with now for 3 years. However, the trips are constantly getting more and more productive and to the point where, where do we draw the line? We are not robots. We are not machines. People are enjoying their jobs less and less. I just think that it is to the point now where it is almost a chore to go to work because, oh, my god, can my body take one more day of this.

Mr. CLINGER. Now do you all have specified duty times—flight duty times and rest times in a labor contract with your carriers?

Ms. WILHELM. Yes, we do.

Mr. CLINGER. You all do? I take it these would have been in violation—these would not have been by contract.

Ms. WILHELM. In both of the trips that I related to you, both were legal overnights because the time we arrive at the gate plus 15 minutes until an hour before flight time the next day, is considered a legal break.

It is impossible during 8 and a half hours to get 8 hours of sleep, plus get something to eat, if that is needed. Very often because we are on board the aircraft and we are required to be alert and aware of everything that is going on, our minds are in high gear all of the time looking for potential problems or emergencies.

By the time we get to the hotel, we cannot walk into our room and go to sleep. We have to unwind. The next morning—our flight attendant manual has set guidelines how they want me to look on board that aircraft and I cannot do that in 15 minutes.

So it all starts eating away at your 8 and a half hours and it goes down to 5 and a half, 6 hours of sleep. So they are legal, but it is not realistic.

Mr. WILLMAN. And again, Mr. Clinger, it is contractual agreement at this point. There are guidelines. It is in my contract with my company that I am to work beyond duty no more than 14 hours. There is also a little clause, because it has been negotiated and that is what the company settled on, that extenuating circumstances, things beyond our control. We have a mechanical delay, weather problems, that is how it is. You live with that.

Mr. CLINGER. In the instances that you all cited, did you go through several pilots in the course of those days? Or were they subjected to the same kind of long hours that you were?

Mr. WILLMAN. For me, on the second day of my 3 day trip the crew was rerouted. We were separated. Most of the time I fly with the same crew for an entire trip, but not in this particular instance because the first officer was then illegal. He was on reserve. So he was replaced and then we were all split up.

Mr. CLINGER. So in effect then, there was a violation of FAA rules that mandate that pilots be rested after a certain period of time.

Mr. WILLMAN. Correct.

Mr. SINUNU. I would like to address that as well because we operate under the same guidelines as the pilots and you can see that, from what I have just told you, that is not adequate as well. Still 9 hours and 15 minutes, once again, by the time pilots get down to operations and they get out to the crew van and you get to the hotel and you check in and you get to your room and you need to be on the plane an hour before departure the next day, 9 hours and 15 minutes for all crew members ends up reality coming down to about 7 hours, maybe 6 and a half hours of sleep and that is after up to a 14 hour duty day. So I question how safe that is.

Mr. CLINGER. Ms. Pelico, in your testimony about the long flight from Los Angeles to Newark, you said that when you returned to Los Angeles you were terminated at that point.

Ms. PELICO. Yes.

Mr. CLINGER. What was the basis for the termination?

Ms. PELICO. Basically, I first would like to say that at the company we have no contract. So it was not something that was necessary that was worked out in a contractual agreement. We had worked under emergency rules and the company was very upset over the whole situation that had occurred, especially with the media, and felt that an example needed to be made for the flight attendants who thought they could just walk off an aircraft and they had assumed that that was not—that they could not walk enough after 16, 18 hour duty days and that because of that that there was no way that a minimum crew had been on board that aircraft with the passengers who were on board that whole time as well.

They had conducted a FAA investigation of that whole matter and it had shown that minimum crew was maintained on board at all times during this mass confusion that was occurring at the terminal.

Mr. CLINGER. It still is mind boggling that would have terminated you at that point.

Ms. PELICO. Yes, we are presently going through an arbitration now to get reinstated.

Mr. MINETA. Would the gentleman yield?

Mr. CLINGER. I would be happy to yield.

Mr. MINETA. If you have no contract, with whom are you arbitrating?

Ms. PELICO. We have a union.

Mr. MINETA. Oh, you do have a union?

Ms. PELICO. Yes, we have union there, but there is no contract that has been set. The union has been unsuccessful in negotiating a contract. So we have working under emergency work rules.

Mr. MINETA. And there are some procedures then for arbitration regardless of whether that agreement is in place or not?

Ms. PELICO. Yes.

Mr. MINETA. Thank you.

Mr. CLINGER. We are going to hear testimony later today from flight attendants who are not in favor of having the Federal Government mandate work rules because the contention will be that it reduces flexibility rather dramatically and that in some cases it would actually result in their working more days than they presently work.

Is this a product of seniority? Is it because the more senior you are the more flexibility you have and, therefore, this bill would in effect take away some of the flexibility of the more senior flight attendants?

Mr. SINUNU. I sort of even question the validity of that when we are—our primary reason for being on board the aircraft is safety and if you have to work fewer—if you are going to work fewer days and you are going to work in an unsafe environment, then why are you there?

I guess the main thing that I am saying is, if we are going from a 9 hour and 15 minute layover let us say to a minimum of a 12 hour layover, it could not affect someone's work schedule that drastically that it would make them work so many more days a month. It is just a question of that when they are at work they will be well rested and they will be ready to perform their jobs to the best of their ability. I think that is the way I would answer.

Mr. CLINGER. They would probably reject the idea that there is a safety relationship.

Ms. WILHELM. Excuse me, sir. Our presidents' testimony will explain all of that in full detail and will give you the flight and duty time requirements.

Mr. CLINGER. I want to go back to how many pilots were involved on each of your trips and think you indicated that you had several crews. What was the case in your situation?

Ms. WILHELM. As I recall the second day of the trip, the longest day, I believe we went through three different pilot crews throughout the day.

Mr. CLINGER. That would have been because they had exceeded limits?

Ms. WILHELM. They were going home.

[Laughter.]

Mr. CLINGER. And you work on a treadmill, yes. Okay. Thank you very much.

Mr. OBERSTAR. And I thank the gentleman.

Mr. Mineta?

Mr. MINETA. Thank you very much, Mr. Chairman.

Just for clarification purposes, if I could go to some very basics for the hearing record purposes.

First of all, are flight attendants paid on a monthly basis or on an hourly basis?

Ms. PELICO. Flight attendants are paid two different types of pay. They are paid for flight time in the air and they are paid a per diem for every hour basically that is obtained on the ground. It follows the same as a pilot. He gets paid a flight time and he gets paid a duty time, we call it.

Mr. MINETA. And the flight time typically starts when? When you first come to work and say—let us say you have a 9:30 scheduled departure and you are required to be there at 8:30, does your duty time start at 8:30?

Ms. PELICO. Your duty time starts when you check in for your flight. Your flight time starts when you push back from the gate in the aircraft.

Mr. MINETA. Like when your nose rotates.

Ms. PELICO. Yes. When the blocks are removed from the plane.

Mr. MINETA. Block to block?

Ms. PELICO. Right.

Mr. MINETA. In terms of—that is duty time as compared to flight time.

Ms. PELICO. Yes.

Mr. MINETA. So flight time is block to block.

Ms. PELICO. So in other words, you could take a delay on the ground before you even enter that aircraft due to weather or mechanical purposes and you are not getting paid flight time until that aircraft actually pushes back.

Mr. MINETA. Well, you are getting paid, but you are not—the time is not accruing as it relates to——

Ms. PELICO. Flight.

Mr. MINETA. —the flight time?

Ms. PELICO. Yes.

Mr. MINETA. I take it that the fact that you came in at 8:30 for the 9:30 flight, your pay has already started.

Ms. PELICO. Yes.

Mr. MINETA. The fact that you board the aircraft, get it prepared for the passengers to come on board, the door closes, you push back, you taxi out, but you never take off. You come back to the gate because of a mechanical problem. Has duty time—or flight time will have then been triggered because you did push back?

Ms. PELICO. Well, when you push back—when you remove the blocks from the plane, your flight time has also started at that point, if you had taken off and come back. It is when the blocks are put back into the plane—at the wheels your flight time is ended.

Your duty time has started when you have checked in that day into the airport for your flight.

Mr. MINETA. Okay. I am sorry. I have got that confused. That is duty time when you first check in and block to block is flight time.

Ms. WILHELM. The duty time covers from the time you check in the entire length of the trip, be it 2, 3, or 4 days for every hour you are away from your base until it could be a half an hour, 15 minutes after you arrive back at base. You are getting paid the time you are sleeping. There is a per diem in there to cover your away from base expenses.

Mr. MINETA. What happens if you leave one time zone and you get another at your destination in another time zone three hours different? You are still—let us say it is 6 o'clock California time, but it is really 9 o'clock here in Washington, D.C.

Now in terms of the rest period, is that 8 hour or whatever block of time that is, how is that measured?

Mr. SINUNU. Basically, a trip is all done within your time zone. So if you are an east coast based flight crew or west coast based flight crew, your trip is planned accordingly. So you will always have whatever your guaranteed minimum layover is on your trip sheet, counting local time, I guess. You always stay on your own time zone.

Mr. MINETA. But then given the fact that you are sort of—your clock may—how do you catch up with your clock then in terms of getting any sleep or getting any rest?

Mr. SINUNU. You do not.

Mr. MINETA. Are all of you—without identifying the airlines, are you all—do you all have basically have representative groups? Are you represented by——

Ms. WILHELM. Yes, we have our safety representative with us here today, Mr. Matthew Finucane and——

Mr. MINETA. Do they get involved in any input as to the earlier question about scheduling? In your contract is there anything about crew scheduling?

Ms. PELICO. Well, at my company we have been without a contract for years now. So there is nothing written about scheduling as far as what they could schedule you to or what extent they could go to.

Ms. WILHELM. The presidents would like to answer that question.

Mr. MINETA. Pardon?

Ms. WILHELM. The presidents would like to address that.

Mr. MINETA. Okay. All right. In terms of pay and scheduling, all of you bid for your schedules on a monthly basis and you do that on a seniority basis.

If a very senior flight attendant would rather be based in Chicago wants to just stay on let us say a 737 rather than maybe being on a longer DC-10 flight. Can that more senior flight attendant bid for a 737 type flight as they might wish?

Now would that more senior flight attendant's pay be any different than a junior flight attendant who is on that same 737? Is the rate of pay going to varied?

Mr. SINUNU. Your rate of pay, of course, is determined by the number of years you have with the company.

Mr. MINETA. By seniority?

Mr. SINUNU. Right.

Mr. MINETA. Not the type of craft or the type of—the fact that you may be going through six cycles in a given day as compared to a DC-10, you take off and land and that is it.

Ms. WILHELM. I would like to add that both of the trips that I related to you at the time I flew them were considered senior trips.

Mr. MINETA. I think we are going to hear the fact that this bill works against the ability to be productive flight attendants. Productivity is something we are going to hear about.

The other thing is that the bill will—if you because you are new as a flight attendant, you may be wanting to fly more trips. This would keep you from doing that. Any reaction to that?

Ms. WILHELM. Once again, that is in the presidents' testimony and they will go into it in full detail.

Mr. MINETA. Okay. Thank you very, very much. Maybe we can build your testimony as part of the data base that Mr. Broderick is looking for. So, again, thank you very, very much for your testimony.

Ms. WILHELM. Thank you.

Mr. MINETA. Thank you, Mr. Chairman.

Mr. OBERSTAR. Before I go to the next member, I understand Ms. Pelico has a connection—old story. If at anytime you need to leave, please, we will understand that you have time constraints.

Mr. Towns?

Mr. TOWNS. Thank you very much, Mr. Chairman.

Without identifying the airline, would you tell me, each one of you, how long you have been working for your particular company or airline?

Ms. PELICO. Well, in my testimony I was working for the company for about 2 years and now I am presently working for another company as a pilot scheduler and I have been ther for almost a year.

Mr. TOWNS. I read about your unpleasant situation.

Yes?

Mr. SINUNU. Three and a half years.

Mr. TOWNS. Three and a half?

Mr. WILLMAN. Two years.

Mr. TOWNS. Two years?

Ms. WILHELM. Seven years.

Mr. TOWNS. The reason I asked that is that because of the argument about flexibility versus safety, you know, and that I felt maybe the senior members might say—but I see 7 years, that is a pretty good time in, I guess, enough to sort of—so you are in the middle I guess, 7 years?

Ms. WILHELM. It depends on——

Mr. TOWNS. The airline?

Ms. WILHELM. —on what base I am in and what trips are in that base. There is a lot of variables in there.

Mr. TOWNS. You know the FAA is saying that they have no data base. What do you think they are saying, that a tragedy must occur before they would have information? Because I think that if something happens and whatever occurs is sort of reported to your airlines and the airlines I am certain in turn would eventually get that to FAA. How do you interpret that statement?

This is a very courteous group. We members of Congress, you know, we just take the microphone from each other.

[Laughter.]

Mr. TOWNS. You are extremely courteous.

Ms. PELICO. I really was not sure what the FAA was saying by that and I am sure that the presidents are going to cover that in their testimony as far as if it was an issue of tragedy happening or the airlines reporting these incidents.

Mr. TOWNS. I sure hope so because I am very sensitive to that today. I am extremely tired, very fatigued.

[Laughter.]

Mr. TOWNS. I have a group here from Brooklyn that has been here for the last 2 days and I am understand and relate to a lot of things you are saying.

[Laughter.]

Ms. WILHELM. I do not believe we need to wait for a tragedy to happen before this goes through and we have a potential tragedy out there right now.

Mr. TOWNS. Any other comments on that?

[No response.]

Mr. TOWNS. Mr. Chairman, I have no further questions. Thank you very much for testimony. I did read it and the reason I have been bouncing in and bouncing out is that group is here from Brooklyn.

[Laughter.]

Mr. TOWNS. And I had over and address them and so I made it back.

Thank you very much.

Mr. OBERSTAR. And I thank the gentleman.

The gentleman from Texas, Mr. Laughlin?

Mr. LAUGHLIN. I apologize for missing a great deal of your testimony, but Ms. Wilhelm, I am relieved to find out that flight attendants are human.

[Laughter.]

Mr. LAUGHLIN. I am often not enjoying flights that I am on and I often wonder how you stand it, but to hear that you get to the room after a flight or a hard day's work and cannot relax, I can identify with that.

I wonder who is responsible for safety in the event a flight attendant is too exhausted or cannot do the job because of exhaustion in an emergency situation?

Ms. WILHELM. The flight attendants are the only ones who can be held responsible for safety on board that aircraft.

Mr. LAUGHLIN. You mean the airline is not furnishing anybody else out of the cockpit or out of the passenger list to do any safety or emergency——

Ms. WILHELM. No. We cannot guarantee——

Mr. LAUGHLIN. I know that I am not qualified.

[Laughter.]

Mr. LAUGHLIN. And I would be incapable anyway. But I was wondering, I have read through your testimony here on each of you and I wondered who would do the job. In these instances toward the end of the third day several of you felt that you were incapable of going on and I can understand that.

Who is your company relying on on that airplane if you are unable to do it?

Ms. WILHELM. If we are unable to do it a passenger, if educated enough, self-educated, might be able to do something in an emer-

gency, but you cannot depend on that because we have been highly trained.

Mr. LAUGHLIN. Just to distinguish education, you are talking about—I happened to have graduated law school so it has given me several opportunities to get degrees. We are not talking about the matter of formal education, are you?

Ms. WILHELM. No.

Mr. LAUGHLIN. And regardless of what kind of professional schools anyone on the plane may have attended, your training is different than becoming a pharmacist or a school teacher or an x-ray technician in the hospital or any of those, is it not?

Ms. WILHELM. Yes.

Mr. LAUGHLIN. And it seems to me that we have left a plane load of passengers unattended if the airline attendants are in a physical or mental condition from exhaustion, and I hope that these are the only examples that have happened in airline history, or at least in the last 5 years.

You would not have me believe that, would you?

Ms. WILHELM. Well, I am sure that this happens more often than maybe you would like to think, and I doubt seriously if a flight attendant would be so physically exhausted that he or she is completely incapable of doing something.

Fatigue causes your reaction time to slow down. You have to concentrate on what you are doing, something that should be second nature to us and we have to concentrate on it and our reaction time is slowed down. And when my aircraft was hit by lightning, it is a very loud sound in the cabin, it flashes, and I should have jumped when the aircraft was struck, but I did not.

Mr. LAUGHLIN. That is all the questions I have. Thank you very much. Thank each of you.

Mr. OBERSTAR. I thank the gentleman and I want to thank the panel for your very frank, straightforward, and very moving testimony, personal witness of experiences that are all too common and all too characteristic of the work that a flight attendant endures in the course of a duty day.

You have painted a very vivid picture that has been most helpful for us and we appreciate your testimony.

There is a vote in progress on the House floor on the final passage of the first concurrent resolution on the budget, but before we leave for that vote, I would like to call our next panel and have them take their place and hold this panel dismissed.

[Ms. Pelico's, Ms. Wilhelm's, Mr. Willman's, and Mr. Sinunu's prepared statements follow:]

TESTIMONY BEFORE THE
AVIATION SUBCOMMITTEE,
May 17, 1989

Susan Pelico
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I would like to thank you, Mr. Chairman and members of the subcommittee for these hearings today. It pleases me to be here to speak about Flight Attendant excessive duty time and inadequate rest.

From the first day of training as a Flight Attendant I was told that my most important job function on the aircraft was to ensure the safety of passengers as well as my fellow crewmembers. Forcing Flight Attendants to work an excessive duty period creates an unsafe working environment not only for themselves but for those very passengers whose safety is supposed to be of our primary concern. Unfortunately, because of my unwillingness to subject passengers and myself to exactly this type of a situation, I was terminated as a Flight Attendant.

In April of 1988, I was scheduled to work a non-stop flight from Los Angeles to Newark. The flight was scheduled to depart at 8:25am and flight attendants were required to report for work at least one hour prior to departure. I had

checked in at 7:00am. We took off at 9:00am but the takeoff was aborted. While aborted takeoffs are rare, they are potentially dangerous and produce a certain amount of stress for the crewmember and passengers. It is a fact that many serious accidents have occurred as a result of unsuccessful aborted takeoffs.

We left Los Angeles at 11:00am. An hour and a half into the flight, as we were serving breakfast, we were informed by the cockpit that we had lost an engine and that we were to return to Los Angeles immediately. When we landed in at 2:00pm, we were advised that the flight had been re-scheduled to depart at 6:00pm. The Company had no intention of replacing us. We had been with the passengers for nearly ten hours, assisting with connecting flights, calming, reassuring and serving beverages the entire time. The Company expected us to takeoff again at 6:00pm and get into Newark at 3:00am the next day, then fly back to Los Angeles.

The plane ended up taking another delay. Passengers were so upset and angry that they called the news media who swarmed the gate area to interview the passengers. There was mass confusion. Finally, the Company told us they were going to replace us, but we still were required to deadhead to Newark to be in position the next day to work our trip back to Los Angeles. By the time we took off and

landed in Newark, it was 4:00am. Once returning to Los Angeles we were asked to turn in our badges and were terminated.

Even though the Company had agreed under our emergency work rules, to limit our duty hours to a maximum of 16, they said due to "unusual circumstances" they could insist we remain on duty. One flight attendant became ill during this already long day, left the aircraft, called in sick, and was consequently terminated with the rest of us.

The most frustrating point was that the pilots were replaced automatically and reserve flight attendant crews were also available.

At the present time we are going through arbitration. We are hopeful that we will be reinstated and resume our careers as flight attendants.

Duty limitations and minimum rest periods are extremely important to flight attendants. Expecting a flight attendant to be able to react in an emergency, quickly and effectively, after being on duty for over 16 hours is jeopardizing the safety of the people on board.

At the present time, I work very closely with duty limitations. My job, in the interim at another airline, is that of a crew coordinator for pilots which requires me to plan out all trip logs, schedules and pairings. I also log all flight times and maintain all training records. My main guideline which requires me to build safe schedules are the Federal Aviation Regulations.

If duty limitations protect the pilots for safe operation of an aircraft, why not flight attendants if their primary purpose on board is safety? Why allow major carriers to abuse flight attendant's health and safety, as well as the safety of the passengers, by forcing them to endure long duty days while other flight personnel, i.e., pilots, air traffic controllers and dispatchers are protected by the government?

Companies should no longer have the right to require excessive duty periods that jeopardize passengers safety. Until the government puts controls on the carriers, the safety of peoples lives on board an aircraft will always be in question.

Thank you for allowing me to speak to you today and I will be happy to answer any questions from the members.

Before the Subcommittee on Aviation

House Committee on Public Works and Transportation

Flight Attendant Fatique and Safety

Testimony of

Danica M. Whilhelm, Flight Attendant for a Major Airline

May 17, 1989

Good morning Mr. Chairman and Members of the Subcommittee.

My name is Danica M. Wilhelm. I have been working for seven years as a flight attendant for a major airline. Like the other flight attendants here today, I have taken time off from work and risked reprisal from my carrier for testifying before you to discuss the serious need to limit flight attendant duty time and guarantee rest time. It is an honor to be here today and I would like to briefly tell you about a routine trip I flew last year.

On June 2, 1988, I reported to the airport at 4:09 pm for a three day trip. I worked on a 737-300 taking off and landing a total of six times the first day as we flew from Syracuse to Newark, Newark to Raleigh-Durham and Raleigh-Durham to Roanoke. The flight was due to arrive in Roanoke at 9:30 pm, however, due to poor weather conditions, we arrived at 11:00 pm, seven hours since our report time and after serving and ensuring the safety of hundreds of passengers later. By the time we deplaned the passengers, rode to the hotel, checked in and went to our rooms it was almost midnight.

To make it to the airport in time for check-in for my morning flight, I had to report to the hotel lobby at 7:00 am to catch the van to the airport. In order to present myself in the manner required of flight attendants and get something to eat, I had to

wake-up at 5:30 am. I had less than five and a half hours of sleep.

At 7:45 am we departed Roanoke and worked to Charlotte, Charlotte to Greensboro, Greensboro to Baltimore, and from Baltimore to Boston. When we arrived in Boston at 1:50 pm, after a total of eight take-offs and landings, we were informed that we would be changing aircraft. We quickly closed out the liquor kits, stocked the cart, cleaned the galley and the entire cabin and moved to another gate. Once there, we discovered our new aircraft was two and a half hours late inbound so we sat in the airport waiting area until 4:20 pm. Scheduling substituted a 727 for the remainder of our trip. Although familiar with the emergency equipment and procedures through annual recurrent training, none of us had worked a 727 since initial training, which in my case had been two years.

Once the plane arrived, the agents boarded the passengers quickly. This meant we barely had enough time to check the emergency equipment and re-familiarize ourselves with the aircraft. It is imperative, for safety reasons, to check the emergency equipment and know the aircraft. We simply did not have time to do that. We then worked for three hours and 20 minutes from Boston to Newark and from Newark to Norfolk. We were extremely tired -- both physically and mentally -- during these flights of the trip.

During taxi-in at Newark, a passenger got out of his seat and walked toward the forward door. This is in direct violation of FARs. Normally, as my jumpseat partner was making an announcement asking all passengers to remain seated I would have gotten out of my jumpseat to persuade this passenger to have a seat until we were safely parked at the gate. However, I was so tired, I just let the announcement suffice.

When I finally finished with the service on the flight to Norfolk and sat down on the aft jumpseat to rest, the aircraft was struck by lightening. This potentially dangerous situation had no effect on me whatsoever. I was so exhausted that I was not sure I could react appropriately and perform my emergency duties if needed. My experience as an Association of Flight Attendant Safety Chairperson for two years had given me considerably more safety training through the union than the average flight attendant. Consequently, I was deeply disturbed that I wasn't sure I could have reacted properly to a critical situation.

Fortunately, there was no structural damage to the aircraft and we landed safely in Norfolk. We then worked from Norfolk to Charlotte arriving at the gate at 10:45 pm. I had been on duty for over 13 hours. Yet, it actually felt like I had been on duty for almost 31 hours with only five and a half hours of sleep. No words can describe how exhausted I was. However, by the time I arrived at the hotel, I was so keyed-up that it took me over an

hour and a half to really wind down and fall asleep. This is a common occurrence for flight attendants.

On the third and final day, I was suppose to report to the hotel lobby at 11:30 am to catch the van to the airport. Even with eight and a half hours of sleep, it was difficult to concentrate and keep up the pace. We departed Charlotte and worked to Daytona Beach, Daytona Beach to Jacksonville, Jacksonville to Baltimore and Baltimore to Syracuse. We arrived in Syracuse at 10:00 pm, after another ten and a half hours. I finally arrived home after serving over a thousand passengers, preparing for a possible emergency, getting less than 14 hours of sleep over three days and being on duty for almost 35 hours. I slept the entire next day.

Just last week, on the first day of a four day trip, I was on duty for 15 hours and logged 11 hours in the air. It is extremely rare for a flight attendant working domestic routes to log that many hours in the air in one duty period. Needless to say, this extended duty period cut into our scheduled rest and I had only five and a half hours of sleep before working another nine hour day.

I do not mind working long hard days and believe most flight attendants would agree with me. I love my job. I am a safety professional with vitally important safety responsibmergencies tha decompressions, severe turbulence, hijackings, terrorist acts and medical emergencies, as well as during evacuations after crashes.

We need to be well rested during our trips. We need decent rest

periods. We are responsible for hundreds of passengers lives each time we fly and we must be alert.

Thank you again for this opportunity to appear before you today to talk about flight attendant duty time limitations and rest requirements. I would be glad to answer any questions you may have.

Before the Subcommittee on Aviation
House Committee on Public Works and Transportation

Flight Attendant Fatigue and Safety

Testimony of
Chuck Willman, Flight Attendant for a Feeder Carrier

May 17, 1989

Good morning Mr. Chairman and Members of the Subcommittee.

My name is Chuck Willman. I have been a flight attendant for two years. Unlike the other flight attendants testifying today, I work for a feeder airline. I am pleased to be here to discuss why it is essential that flight attendants are alert and well rested when they are working. I am here to explain why it is necessary that this bill passes to ensure duty time limitations and adequate rest periods for flight attendants.

Before I give you an example of an especially difficult three-day trip I flew recently, I would like to briefly tell you about some of the major differences between flying for a major carrier on larger aircraft and flying for a feeder on smaller aircraft. Smaller aircraft have less stable pressurization, which makes flying less comfortable for both flight attendants and passengers. Consequently, I have to spend more time aiding those passengers with blocked ears and other problems caused by unstable pressurization. Since turbulence has a greater effect on smaller planes time must be spent helping nauseated and sick passengers as well. In addition, smaller planes have poor climate controls so the planes tend to be either too hot or too cold. Obviously this causes further discomfort for the flight attendant and passenger.

Another major difference between flying for a major carrier and a feeder is the difference between the work day. For example, I am usually the only flight attendant aboard the flight. This gives me full responsibility for all the passengers, their comfort,

their health, and their safety. Plus, since the flights on which I work are shorter, I have less time to serve each passenger between take-off and landing. I have to work very quickly to serve everyone before it is time to land. Finally, an average day for a flight attendant working for a feeder carrier includes a high number of take-offs and landings. I can work seven flight segments, which means seven take-offs and seven landings in one day. Take-offs and landings have a tremendous effect on one's body since they are the most stressful, and potentially dangerous, periods of a flight.

Recently, I flew a trip which is an average trip for a " feeder-line" flight attendant and which I believe clearly demonstrates the need for this legislation. During this three-day trip, I had a total of 16 take-offs and landings on the first day. I worked from Fort Wayne to Chicago, Chicago to South Bend, South Bend to Chicago, Chicago to Milwaukee, Milwaukee to Chicago, Chicago to Milwaukee, Milwaukee to Chicago, and from Chicago to Kalamazoo. I had a total of 14 take-offs and landings on the second day of the trip and ten take-offs and landings on the third day. The scheduled ground time between each flight is typically 12 to 20 minutes. Therefore, if we encounter a delay it is nearly impossible to make up the time on the ground. Of course, any delay is also likely to further decrease an overnight rest period.

Each day was more tiring than the day before. The unstable pressurization, turbulence, number of flight segments combined with the number of passengers boarding and deplaning was

exhausting. Sometimes, I found myself getting a bit relaxed on even simple tasks such as proper storage on carry-ons.

To make the situation worse, I never got an adequate nights rest. The rest period between each day never exceeded eight hours. This means from the time I "check-out" at the airport and actually left the terminal to the time I had to "check-in" at the airport the next morning was less than eight hours. Travel to and from the hotel, checking in, eating, showering, sleeping, getting ready for work, and checking emergency equipment and catering supplies in preparation to greet my passengers all needed to be completed in eight hours. On a minimum rest time overnight, I was lucky to actually sleep for six hours.

By the 6:15 am start of the second day, I was already exhausted. Although I did everything I could to pace myself so that I would be fresh and alert for the entire day, it took all my energy not to fall asleep on my jumpseat. On the third day, after yet another short rest period and little sleep, I was so tired after flying for two solid days that my body was numb. The only way I avoided dozing on my jumpseat was by constantly sipping a glass of ice water.

Had an emergency situation occurred, I am uncertain if I could have performed my safety duties as efficiently and effectively as when I was more rested. As a professional flight attendant whose primary concern at all times is safety, this feeling of uncertainty about being able to act quickly and "take charge" is not only frustrating but terrifying! It is essential for both

flight attendant health, and more importantly the safety of the flying public, that flight attendants are well rested each and every time they board a plane to work.

I truly believe that if we were permitted to have minimum rest periods of ten hours, we would be guaranteed a decent nights' rest and would certainly be prepared to handle emergency situations more readily. I strongly support this legislation and the work that the subcommittee is doing in an attempt to protect flight attendant health and the safety of each passenger.

Thank you again for the opportunity to appear before you today and to talk about this important piece of legislation. I would be happy to answer any questions you may have.

Before the Subcommittee on Aviation
House Committee on Public Works and Transportation

Flight Attendant Fatique and Safety

Testimony of
William George Sinunu, Flight Attendant for a Major Airline

May 17, 1989

Good morning Mr. Chairman and Members of the Subcommittee. My name is William George Sinunu. I have been working for three years as a flight attendant for a major airline. I enjoy my work as a flight attendant and have chosen it as my career. Occasionally though I question this decision when I finish flying exhausting and difficult trips. I am here today to testify about my work as a flight attendant and the hard work I and my fellow flight attendants do on a regular basis.

I would like to describe two days of a typical trip during which we were scheduled to be on duty for ten hours and 35 minutes the first day, 12 hours and 35 minutes the second day, with a scheduled rest period of 12 hours and five minutes. The purpose of presenting this example to you is to show how even slight delays and extenuating circumstances can dramatically affect what could be an adequate rest period between two daily difficult duty periods.

I reported on the first day of the trip at 12:35 pm in Pittsburgh. We boarded the flight to do our pre-flight check of the emergency equipment, inspect the cabin for anything suspicious like an unattended bag that could possibly contain explosives, check the cabin for cleanliness, broken seats and seat-back trays and an adequate magazine selection, inspect the work of the caterers to make sure all meals and amenities had been boarded, particularly special meals such as those for diabetics, stock the beverage cart, check to make sure that we had enough water for a three hour flight and that the coffee makers operated properly.

We were scheduled to work from Pittsburgh to Denver, Denver to

Pittsburgh and from Pittsburgh to Buffalo. The first two legs of the trip were completely booked flights, without a single empty seat. We were ready to receive the passengers at 1:05 pm. As the passengers were being boarded, I and my fellow flight attendants worked continuously. We provided predeparture orange juice and white wine, dealt with double seat assignments, assisted unaccompanied minors and other passengers needing special help, stowed oversized and excessive carry-on baggage, moved non-smokers out of the smoking section and prepared the cabin and galley for push-back from the gate.

Once in the air, we provided our standard service offering headsets, three beverage services, choice of three meals, ice cream, cordials, hot towels and mints. Since westerly headwinds caused us to be late inbound to Denver, we dealt with unhappy and anxious passengers concerned about making their connections.

We were scheduled to have 40 minutes of ground time in Denver but our late arrival cut into this break. Although we were scheduled for a crew meal during our ground time in Denver, in order to maintain an on-time operation, the twenty minutes it took until the Pittsburgh-bound passengers were at our door was filled with a barrage of aircraft cleaners and caterers frantically stocking the galley and cleaning the cabin in order to makeup as much time as possible. After helping passengers gather their belongings in deplaning, having run up and down the aisle serving 138 passengers for the past three hours, and knowing that any moment the gate agent would want to board the flight, I simply did not feel like gulping down a meal while dodging the ground personnel and chose to prop my feet up and take a breather instead.

On the flight from Denver to Pittsburgh we were again totally booked with a full load of passengers and we offered the same services that were provided on the flight from Pittsburgh to Denver. Again, we were running late inbound to Pittsburgh, this time due to an air air traffic control delay that had postponed our already tardy departure.

By the time we landed in Pittsburgh, we had criss-crossed two time zones, served 276 passengers, worked 7 hours while walking on an inclined cabin floor pushing a fully stocked cart that can weigh up to 250 pounds.

From Pittsburgh we worked to Buffalo, serving 100 passengers beverages in about 45 minutes. Despite our delayed arrival into Pittsburgh, and our one hour and 15 minute scheduled ground time complete with change of planes, we could have had an on-time arrival in Buffalo. But Buffalo had been experiencing an ice storm. Upon landing, the aircraft had little traction and subsequently, the captain had to shut down the engines while we were on the taxiway and we were towed to the gate. This delayed us for the final time that day. We arrived at the gate in Buffalo at 11:30 pm. We deplaned the passengers and made our way to the hotel courtesy van stop. Due to the weather, the van was late and we finally got to the hotel at 12:30 am. By the end of the day, we had logged seven hours and 58 minutes in the air and had been on duty for 11 hours.

Although I was famished, having not had an opportunity to take 30 minutes to relax a bit and eat in the past 11 hours, I decided sleep was more important than food and went directly to my room. Once there, being too keyed-up to sleep, I bought some juice,

took a hot shower and finally drifted off to sleep at about 1:30 am.

I had to report in the hotel lobby at 9:30 am the next morning to catch the van back to the airport. I set my alarm for 8:00 am to give me enough time to eat and get ready for my flight. At 7:15 am, less than six hours after falling asleep, I awoke to loud voices in the hallway. It was the hotel maids trying to figure out who should clean which rooms. Realizing how tired I was, I reset my alarm for 8:30 am, again choosing sleep over food. As is the case with many overnight accommodations, this hotel borders the airport property and the noise of departing and arriving aircraft made it difficult to fall back to sleep.

On the second day of the trip, we boarded the aircraft at 10:00 am to do our pre-flight check of the emergency equipment, and complete the duties required of us to prepare the aircraft for passenger boarding as we do at every origination.

We were scheduled to work from Buffalo to Las Vegas, Las Vegas to Phoenix, and from Phoenix back to Buffalo. However, scheduling informed us that our flight had been changed to include an unscheduled stop in Rochester to pick up additional passengers.

Once again, all flights on this day had full loads with every seat occupied. Due to the extra stop in Rochester, our ground times throughout the day were shortened and we had little time to rest or eat. In fact, inbound from Phoenix, there was one unclaimed passenger meal and we flipped a coin to see which flight attendant could have dinner. By the time we arrived in Buffalo, an hour late at 11:07 pm, we had been in the air for ten

hours and 35 minutes and on duty for 12 hours. In two days time, I had been in the air for 18 hours and 33 minutes and had had less than six hours of sleep.

Looking back on these two days, I question our ability to handle an emergency situation had one occurred. Our senses were dulled and our responses slowed and robotic. The combination of erratic hours, less sleep, continuous in-flight and on-ground service requirements, time zone changes, and numerous take-offs and landings, and inadequate or nonexistent meals does not make for an alert flight attendant.

I think it is important to point out that this was an example of a typical two day scenario common to many flight attendants' monthly schedules. We could have been scheduled for a nine hour and 45 minute rest period. If that were the case with this trip, I would have been lucky to have gotten four hours of sleep.

I believe that I can speak for the majority of flight attendants when I urge you to pass this legislation, which would finally set appropriate limits for flight attendant work and rest hours. Passing such legislation is in the interest of both flight attendant and passenger safety.

I am pleased to have this opportunity to testify before you and welcome any questions from the members.

Mr. OBERSTAR. The next panel is the Presidents and their associates of various flight attendants organizations. Margaret Brennan, President of the Independent Union of Flight Attendants; accompanied by Susan Bianchi-Sand, President of the Association of Professional Flight Attendants; Michael Kelliher, President of the Association of Professional Flight Attendants; Vicki Frankovich, President, Independent Federation of Flight Attendants; and William Genoese, Director, Airline Division, International Brotherhood of Teamsters; Lana Holmes, Transport Workers Union; Carla Winkler, President, Union of Flight Attendants.

Do we have everybody? Did I miss anyone?

TESTIMONY OF MS. MARGARET BRENNAN, PRESIDENT, INDEPENDENT UNION OF FLIGHT ATTENDANTS, ACCOMPANIED BY SUSAN BIANCHI-SAND, PRESIDENT, ASSOCIATION OF FLIGHT ATTENDANTS; MICHAEL KELLIHER, PRESIDENT, ASSOCIATION OF PROFESSIONAL FLIGHT ATTENDANTS; VICKI FRANKOVICH, PRESIDENT, INDEPENDENT FEDERATION OF FLIGHT ATTENDANTS; LANA HOLMES, TRANSPORT WORKERS UNION; MS. NANCY GARCIA, DIRECTOR HEALTH AND SAFETY, TEAMSTERS LOCAL 2707; MS. JANNA HARKRIDER, HEALTH SAFETY AND LEGISLATIVE CHAIRPERSON, UNION OF FLIGHT ATTENDANTS, ARLINGTON, VIRGINIA; MR. ARONOFSKY; MR. ART LUBY

Ms. BRENNAN. You have everyone. I wanted to correct two of the names, if I could. Ms. Nancy Garcia is representing the Teamsters instead of Bill Genoese.

Mr. OBERSTAR. All right.

Ms. BRENNAN. Lana Holmes you had and Janna Harkrider is representing the UFA instead of Carla Winkler.

Mr. OBERSTAR. Very good. We are going to take a recess at this point to vote and we will return just as promptly as possible to take your testimony.

[Brief recess.]

Mr. OBERSTAR. Subcommittee will resume and we will proceed with the testimony from the witnesses already called to the table. Ms. Bianchi-Sand, are you the designated lead off?

Ms. SAND. Margaret Brennan is.

Mr. OBERSTAR. Ms. Brennan?

Ms. BRENNAN. There was one other item on the list of witnesses with this panel that I wanted to clarify and that is that Lana Holmes is representing the Transport Workers Union Local 553 for Eastern and for Southwest Airlines.

Mr. OBERSTAR. Welcome. Frequent voice before the committee. Welcome. Please proceed.

Ms. BRENNAN. We do thank you for this opportunity to testify on behalf of the coalition of Flight Attendant Unions, an alliance representing over 70,000 flight attendants, working to promote passenger safety and flight attendant occupational health through safe, healthy, and reasonable hours of work, and reasonable hours of rest.

We want to respond immediately to today's comments by Mr. Broderick, which we applaud. However, our enthusiasm is cautious.

The FAA has had before it, data of all kinds for over 4 years regarding the health and safety issues related to our rule making petitions.

Yet, the DOT denied the petitions without seeking more data or identifying it as needed during that 4 year period. Today we have heard that the FAA will compile a database to see if there is a problem.

Mr. Broderick admitted that database evidence was not required for the rules for pilots and others currently regulated.

There is data on fatigue in the FAA's possession. We appreciate their interest in data and possible change of heart on this issue.

But it should not change the necessity for the Mineta bill. The bill includes provision for the FAA to promulgate the rule and gives the FAA more than enough time to do it with sufficient flexibility regarding any final limits.

As you know, currently there are no regulations which govern the hours of work and rest for flight attendants. In the interest of providing safe and healthful jobs, increased safety of the traveling public, and to foster equal protection under the law for this segment of American workers, we urge you to support the legislation known as the Mineta bill.

Flight attendants are not covered by Section 7 of the Fair Labor Standards Act nor by the Occupational Safety and Health Administration.

Thus, there are no economic or other regulatory penalties to deter air carriers from scheduling flight attendants for an excessive number of hours.

The FAA is authorized, in the interest of safety, to write regulations governing the maximum hours for periods of service for airmen and to other employees of air carriers.

Further, the FAA has claimed jurisdiction over and responsibility for the occupational safety and health of all crew members.

Presently, the FAA limits which do exist, apply only to the predominantly male employee groups, i.e. pilots, flight engineers, navigators, dispatchers, et cetera.

To access the impact of flight attendant fatigue on critical safety duties, let us define what those duties are. In an emergency situation, flight attendant action is crucial to minimize loss of life.

A flight attendant must determine that an evacuation is necessary, access external conditions to determine which exits are usable, open the exits, and deploy the slides which are often inoperative, and they must direct or redirect passengers safely out of the airplane.

The most compelling emergency that a flight attendant faces is the post-crash fire. Accident studies indicate that in a smoke and fire environment, seconds lost in an evacuation equate to an increase in loss of life.

The 1985 British Air tours tragedy is a grim example. Fifty-four passengers and crew died as a result of smoke and fire, even though the plane was stopped on a taxiway and the airport fire rescue units responded immediately.

Flight attendants do more than evacuate airplanes. We deal with exceptional passenger behavior, detect smoke, fight fires, and respond to life-threatening decompressions.

Additionally, we must cope with medical emergencies such as child birth, heart attacks, insulin shock, and turbulence related injuries. These types of emergencies occur daily.

The Department of Transportation has recently acknowledged the importance of flight attendants to aviation safety by mandating drug testing.

Can anyone miss the irony of testing flight attendants for sleep inducing drugs while at the same time allowing them to work for 24 hours?

The DOTs drug test rules were not promulgated in response to a database.

Flight attendants routinely work consecutive 12 hour days with 8 or 9 hours rest in between. The rest period, which often begins when the airplane arrives at the terminal, includes deplaning of passengers, paperwork, travel time to a hotel, checking in, eating, sleeping, and returning to the airport for the next assignment.

Due to mechanical delays, weather, and air traffic control problems, scheduled 12 hour days are often extended. You have heard that testimony already.

The cumulative effects of long days or nights with inadequate rest are compounded by disruptions to the circadian clock.

Environmental factors such as poor air quality, noise vibrations, and physical assertion serve to exacerbate the situation.

We would like to point out that if flight attendants refuse to fly citing fatigue, they can and have been disciplined or fired.

No worker should have to choose between safety and their job. Nor should they be forced to compromise their health and the passengers safety.

The Government, in its denial of our petitions, stated that there is no empirical evidence that flight attendant fatigue impacts safety.

The FAA is aware that we are shift workers operating in a unique environment. While there may be little flight attendants specific data, there are over 5,000 studies in the general literature on shift work.

Flight attendants are human. Our bodies respond to the environment in exactly the same manner as any other worker.

In the full text of our testimony, you will find numerous scientific citations pertaining to the physiological and mental effects of fatigue.

There is more than enough scientific evidence to support duty time rule making.

Flight attendants are willing to work long but reasonable hours. The parameters of the Mineta bill are reasonable.

The airlines say that the issue of flight attendant work hours should not be regulated by the FAA because flight attendant work rules are an issue for the collective bargaining process.

If safety duties and fatigue were a collective bargaining issue, the FAA would not have regulated pilots, dispatchers, and air traffic controllers.

Safety is too important to be bargained and one of the smaller non-unionized carriers. All flight attendants need this protection.

Please keep in mind as you study this issue, that actual flight time is only a small part of the time a flight attendant works.

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A flight attendant's actual work hours are often twice the number of hours flown and hours away from home are often four times the number of hours flown.

Many flight attendants from non-unionized carriers support the Mineta bill and wanted to be here with us today to testify. However, due to those carrier's employee rules, they would risk discipline or termination for so appearing.

We would like to once again take this opportunity to thank Congressman Mineta for all his work on our behalf. And thank you, Chairman Oberstar and members of the subcommittee for the opportunity to testify.

I will take any questions you have.

Mr. OBERSTAR. You are the voice for the panel.

Ms. BRENNAN. Yes, but I will get help.

Mr. OBERSTAR. All right. I just wanted to make sure that others did not have prepared statements or any remarks to make at this point on issues at hand or previous testimony.

Ms. BRENNAN. We will fill them through questions probably.

Mr. OBERSTAR. All right. I think it is significant, and I raised the issue earlier that the FAA and the Department of Transportation have approved and are going forward with drug testing of flight attendants to see whether they are drug free to perform a job for which there are no duty times and duty regulations in Federal law.

And you have cited the same point with a twist. And that is that there was no database established for the rule making on drug testing. Why not?

Mr. ARONOFSKY. Congressman, if I could answer that in a legal sense.

Mr. OBERSTAR. Yes.

Mr. ARONOFSKY. I am David Aronofsky, legal counsel to two of the groups here.

The Supreme Court concluded or I should say accepted the Department of Transportation argument that given the exigency of the circumstances, no database was needed to adopt the rules.

Now, I would be a little misleading, I think, if I did not point out that DOT did conduct, in connection with FAA, two day hearings.

They did solicit comments, almost all of which were against the proposed drug testing rules. There was substantial information submitted and I helped prepare some of it that there was no evidence of need for these particular rules since there was no documentable drug related incidents involving passenger aircrafts and drugs.

But, nonetheless, the department promulgated the rules, argued successfully before the Supreme Court that there was no need to establish the type of database which I heard referred to as a condition for lawfully promulgating the rule.

So, I think we ought to at least set the record straight legally. This database referred to by Mr. Broderick, while I am certain it has some constructive uses, is not a prerequisite, if you will, for lawfully promulgating the duty time rule.

There is more than enough in the record now to support it if the FAA and Department of Transportation choose to put more weight on what is in that record now than they chose to initially.

And I am pretty comfortable with that conclusion, legally speaking.

Mr. OBERSTAR. Well, I think that is a very important factor in determining what happens next and evaluating the process that the FAA will follow in gathering data and developing this so called database.

You are saying that as a preconditioned rule making, the database is not necessary?

Ms. FRANKOVICH. Before we go on, if I may attempt an answer on this question, too?

Mr. OBERSTAR. Please.

Ms. FRANKOVICH. I think that the point that we see that makes this such a perfect analogy is the very fact that in supporting the promulgation of the rules on drug testing, various officials from the Department of Transportation said they did not need dead bodies to go forward on something that was obviously in the public interest.

And I think we would likewise assert here that dead bodies are not necessary to show that fatigue is a detriment to safety, and it seems absolutely deplorable that flight attendants should be separated away from the masses of American workers and be forced to justify the need to have a 14 hour a day limit for a domestic operation or a 20 hour a day limit for an international operation.

Mr. OBERSTAR. Now, in the prepared statement from Mr. Broderick, which was developed prior to FAA's change of heart evidence in his delivered remarks, and which we are very appreciate of and I think you as well, it is instructive to pay attention to this paragraph, quote, there is no empirical evidence that shows any correlation between flight attendant duty time, flight attendant safety duties, and risk to passengers.

For that reason, there is no reasonable method to determine requirements for cost beneficial flight attendant duty time that are directly related to safety.

There is no showing that the unrelated instances cited in a few comments of lengthy flight attendant duty time, either were the result of work rules mandated by the company, or were systemic throughout the industry.

Nor was there a showing that these instances had an adverse impact on safety.

Now, Mr. Broderick said we did not feel comfortable with that statement, we did not feel comfortable with our ruling in January and we want to change that. We want to go in a different direction.

But, I think these comments are very instructive for what may happen next. No evidence that shows any correlation between flight attendant duty times, safety duties, and risk to passengers.

I would like you to address that point. We heard some testimony earlier from those whose livelihoods are on the line, but I would like to get your comments as policy matters.

Ms. GARCIA. I would like to take a stab at that question, at least in part. In reading that comment, I am some what surprised.

I know of at least one study, a publication by the FAA done in 1983 in which they collected a bibliography of shift work from—and the dates of the bibliography they listed shift work research from 1950 to 1982, and they found 1,358 citations, I believe.

It is interesting also to note that in the abstract, the company and the bibliography, they sort of admonished other researchers to

be more aware of the worldwide literature on research and implying that there really was no need to reinvent the wheel.

There is ample work on shift work, not just in the aviation, but certainly in other areas. As we have said, over 5,000 citations on shift work and the results of shift work on performance, on fatigue, on health, and various other parameters.

I do not think we felt it necessary to come prepared here to prove that flight attendants are shift workers. I think we could probably all stipulate to that and agree that that is a fact.

And, as such, we think some of the data in the literature already is sufficient to support our petition and this legislation.

I would also like to point out that there was a study done—not a study a review, more accurately, of 11 industrialized countries, looking at how they set these parameters of flight and duty time.

And it is interesting to note that the United States,—in that group, the United States and France were the only countries that used flight time alone.

The other countries involved used duty time and flight and duty time in a combination to set the rules.

These are fairly recent developments and the fact that these countries have switched over to duty time reflects, I think, their understanding and review of the available literature on shift work, rotating shift work, circadian rhythms and that sort of thing.

Mr. OBERSTAR. Are those studies done or was those determinations made on flight attendant duty times that you are referring to?

Ms. GARCIA. No, these were reviewing pilots in general. There is one country that does have limits for flight attendants based on duty time, I believe, and that is the Netherlands.

Mr. OBERSTAR. Is that the only country you are aware of?

Ms. GARCIA. That is the only country I am aware of, but the Germans, the U.K., the Soviet Union, the Japanese.

Mr. OBERSTAR. Is methodology used for determining flight duty time for pilots and the flight deck crew applicable to flight attendants?

Mr. KELLIHER. We see a distinction between pilots and flight attendants in that sense in that pilots, as flight attendants, experience a critical time during takeoff and landing.

A pilot's job during the course of the flight consist more of monitoring and keeping attention, one or another of them in the cockpit.

That is not to diminish what they do by any sense. Only to say that a flight attendants job begins not at takeoff, but rather prior to in the setup for a flight, becomes more alert to some of the safety possibilities during the takeoff and landing process.

And does an incredible amount of physical labor throughout the course of the flight. So that for us, it is not a sedentary situation, and not just a mental situation, but a combination of various factors that comprise our work and the job outlined by the corporations we work for.

So that for us, the duty time just of a flight is a good amount of labor throughout the trip. For us, the duty time, more so than flight time is significant because of those down periods when a

flight may have landed for mechanical reason or been delayed at a gate for a mechanical reason, and passengers remain on board.

And, at that point, we are still working closely with the passengers and monitoring the cabin at all times any time there is a passenger on board.

So that for us, duty time is a far more applicable standard than flight time would be.

Mr. OBERSTAR. In the previous panel we had an exchange between Mr. Mineta and witnesses about duty time and flight time, and I think he was trying to get a precise assessment of when each of those began and ended and the parameters.

I think you heard the testimony. Do you have anything to add? Flight time being described as block to block and duty time from check in at the airport at the beginning of the flight through all the time that the flight attendant is away from base until the time returned to base.

Ms. FRANKOVICH. If I may, there is a correction that needs to be made in the record in that regard. The duty time starts from what is called report for duty at the beginning of a flight, at the beginning of a day and ends with release from duty at the end of that day.

If you have two or three subsequent days, they each have their own duty periods. Duty period may well go from one day to another, but it is broken by what is called in the industry, a minimum rest period.

At this point, those minimum rest periods vary carrier by carrier. I think the definition of flight time was accurate, that is block to block with the exception, of course, that, and this varies again carrier by carrier, certain carriers, if you takeoff and return to the same station you have no flight time even though you have been in the air.

And that is a creature of history.

Mr. OBERSTAR. So you say that the duty time begins from the time you report for duty at the start of the day throughout that day.

Supposing that day turns into two days?

Ms. FRANKOVICH. Then it continues. It continues until it is broken by a minimum rest period. And for the majority of the industry, a minimum rest period is a period of 8 or 10 hours, depending upon the carrier.

Mr. OBERSTAR. And that minimum rest period is something determined by each carrier and varies or can vary from carrier to carrier?

Ms. FRANKOVICH. Yes.

Mr. KELLIHER. It is a contractual item. I think some of the confusion that generated from the various flight attendant testimony on this issue was as Ms. Frankovich said, flight time was accurate, she just explained duty time.

I believe where it was confusing came in the area of compensation. The question I believe from Mr. Mineta was how are you compensated? Are you compensated differently for flight time and duty time?

People are compensated, generally speaking, flight pay which is a contractually determined amount. There is no compensation for

the whole period from the day you begin your trip which may last for three days until you end.

You are reimbursed expenses over that period of time and that should not be confused with compensation. I believe that the flight attendant answering that question was confusing that issue.

Mr. OBERSTAR. Okay.

Ms. FRANKOVICH. I think there was one other issue although it is not really relevant today. The period of time that starts from the beginning of your trip to the end of your trip in industry of vinculum it is called the trip period.

And it may be called the trip—you have trip rig for that period. But the duty period is the one continuous period that is only broken by the minimum rest.

And if you fail to receive the minimum rest, then you have what is called a continuous on duty period until it is broken by the rest.

Mr. OBERSTAR. I see. So then is it appropriate for the FAA to focus on rest time for flight attendants rather than duty time as Mr. Broderick said the FAA does in the case of pilots?

Ms. FRANKOVICH. Our request is that they focus on both. This is a rest time bill and we seek rest and duty time protections, minimum rest and maximum duty time.

Mr. OBERSTAR. Okay, I think that is very helpful. I will have further questions. At this time I want to yield to the gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Thank you, Mr. Chairman, and my thanks to the panel for your participation in these hearings today.

Just to clarify one thing, Ms. Garcia, you indicated that the Netherlands has standards for flight attendants, rest times, duty times, then you began to list Soviet Union, Japan, Switzerland. What was that for?

Ms. GARCIA. Those are the countries that regulate the hours of work for pilots using duty time or a combination of duty and flight time as opposed to flight time which is used here in the United States and also in France.

And they have done that, they have changed their rules to that using duty time and duty time flight parameters based on the available research on shift work.

Mr. CLINGER. All right, and the FAA uses what time for pilots?

Ms. GARCIA. Flight times.

Mr. CLINGER. Flight times, okay.

Ms. GARCIA. That is correct.

Mr. CLINGER. You are suggesting that they should look more into the European model?

Ms. GARCIA. Well, I guess you could draw that inference. Certainly the data is available and those countries have switched their way of thinking.

I would also add that the U.K. does regulate flight attendant duty times as well.

Mr. CLINGER. The Netherlands and the U.K.?

Ms. GARCIA. Yes, I am sorry, the U.K., recently.

Mr. CLINGER. I think you have indicated that you feel that it is a positive step that the FAA is now indicating that they are going to go into the field to collect data. But what sort of data should they

be collecting that would be necessary in making this kind of rule? What sort of data could you provide?

Ms. FRANKOVICH. If I may, I think certainly we would want to be involved in any process of data collection, but I think our conclusion and our recommendation here today is that without regard to any additional data collection, we today have a justifiable need, as workers, for limitations to the number of hours that we are required to work in any day.

And the analogy to pilots is that there is at some point a limit at which they work no more. And that is without regard to how many passengers have died as a result of them not having limits.

Their limits, by the way, a question was asked earlier, were passed in 1934.

Mr. CLINGER. I would agree that we should not have to have a body count before we would determine what might be necessary.

We heard cases earlier today about flight attendants who had been asked to serve way above the call of duty in terms of hours and over long periods of time, none of those resulted in any accident or any problems.

I am wondering if you can cite cases actually where there has been either loss of life or serious damage because of flight attendant fatigue?

Ms. FRANKOVICH. I do not know if we are prepared to do that although further research might yield that. But I think the conclusion that we have as of today at least is that no one has studied that in the past. It has not been the focus of study.

But I think the bigger question for us, is assume that tomorrow there is a survey of the industry in which we would gladly cooperate and the carriers put forth information to which we have not all had access, and we find that five percent of the daily operations are non-routine.

Or my life as a flight attendant, on three occasions in one year I worked over 24 hours. Does that conclude that that is not too many occasions or does that conclude that unless my passengers suffered death or injury on my 24 hour extended duty that it is not of concern to me for my safety or of concern to the industry for that passenger?

We are concerned about what the goal is in the data collection, and we think that although certainly we cannot be harmed by any data collection and are encouraged that someone is interested in pursuing that.

We thing that does not, in fact, in anyway obviate the need for this bill and the need for protection for us in any event.

Ms. SAND. If I could also comment on the FAA's direction in their data collection, we would certainly hope, given this new awareness or new interest as expressed this morning that they would use the same standard for us that they have used for other safety regulations that they have promulgated.

Not the least of which, of course, was the drug testing rule promulgated by the DOT. Their standard has been to try to eliminate safety infractions, hazardous conditions.

That is why this transportation system is as safe as it is. And that is why they need now to be promulgating the rule which they have said they will do on 747 doors.

That is why they promulgated rules in the past. We would certainly hope that their focus is very much the same. Their interest is in eliminating safety hazards.

The rules as we have proposed them do not restrict the corporations much more than, in fact, they already are restricted by many of our contracts.

We are not suggesting that the FAA come up with something that is going to put a constraint on the industry, but, as I think other members have testified there are reasonable limits to which a human being can be expected to adhere to.

And in any event, we hope that their focus is going to be as it has been in the past. We want to help them with that. We think the data is going to demonstrate our case vividly.

Mr. CLINGER. Well, I think it needs to be said that you all were very instrumental in preserving the 747 over wing exit and I think that was important.

You have shown a real concern for safety and that resulted in a very good rule coming out of the FAA. You all have negotiated contracts with the various airlines which you deal with, how do the rules which you have negotiated with the airlines which you may be representing stack up with what is contained in the Mineta bill?

Are they more liberal, are they more rigid?

Ms. BRENNAN. If you are talking about the unionized groups that have a contract——

Mr. CLINGER. Right.

Ms. BRENNAN. —And I make that distinction because some have unions but no contract. I think these are less than what we already have in our contracts.

Mr. CLINGER. In every case?

Ms. BRENNAN. Yes. I do not know if there—there are probably some maybe in the smaller carriers that are also contract employees. I am not sure.

Mr. CLINGER. When you say "less" you mean?

Ms. BRENNAN. Less hours. This is a lower standard than what we have in the contracts. In other words, so the burden to what Susan was saying would not be that all of a sudden they would have an entirely new set of rules that placed a large burden on the companies.

Mr. CLINGER. Are there any airlines, to your knowledge, that do not have any kind of duty time rules or flight time rules or rest rules for their flight attendants?

Ms. BRENNAN. Yes.

Ms. SAND. Well, the non-contract airlines obviously have policies and scheduling rules, but those are not enforceable through any government or grievance process.

Even in some of our contracts on some of the regional carriers, feeder carriers, they do have the ability to schedule for a certain amount of time.

But in the event of unusual circumstances, as one of the flight attendants testified to, they can go out ad infinitum in terms of the hours of the day.

Just to go over this briefly, often in the contract, where we do have contracts, these are two sets of rules.

One is the scheduling rule to which you schedule the day and then they have additional hours that can be added on in the event there are irregularities.

So there is always a false sort of ceiling. Not always, but most of the time.

Mr. CLINGER. I understand that the FAA has indicated to us or somebody here that the duty time and rest requirements in the Mineta bill for flight attendants are more stringent than the FAA rules that are presently in effect for pilots.

Do you know of that?

Ms. FRANKOVICH. I think that may misstate the case, because, for example, the pilots have what is called an 8 and 24 limitation which is considered by the industry to be a restrictive flight time limitation rule.

We do not propose that.

They also contain a 30 and 7 rule which is a regulation that you should not fly more than 30 hours in a 7 day period. We do not propose that.

Certainly then there are other things that we propose such as a minimum 10 hour rest which is not required.

Mr. CLINGER. For who?

Ms. FRANKOVICH. For the pilots. They have waivers down. They have minimums. And again they vary by contract where their contracts are superior to the minimum FAA standard.

But in that case, and I should be corrected if I am wrong, I believe the FAA for the pilots allows us 10 hours scheduled minimum rest and a waivable below that maybe to 8 as the absolute minimum.

That might be one way in which our proposal would be more protective for the employees.

Mr. CLINGER. We are going to hear testimony, as I indicated earlier, later today by some attendants who will indicate that this bill would force them to work longer days for the same amount of pay.

Do you think that is going to be a fairly common experience?

Ms. FRANKOVICH. My comment to that would be there certainly will always be individuals who will feel for economic or whatever reasons that they should compromise their safety to go forward and do things that are not in their best health or safety interest.

We would disagree with that premise. But we also do not conclude from any of our statistics that this change could possibly force that additional kind of work into the schedules.

They fail to understand the proposal.

Mr. KELLIHER. We did some looking at actual schedules of flight attendants and compared them to the proposed bill. To give an example, let us call it airline X scheduled a flight attendant at 75 flight hours, their actual flight time was 102 hours and 44 minutes and that fell within the parameters and restrictions of the bill that was proposed.

Their scheduled on duty time would have been 224 hours and 9 minutes. Their actual on duty time was 319 hours and 36 minutes. That fell within the parameters of the bill.

It goes to a higher example of 85 scheduled hours to 123 hours and 29 minutes of actual flight hours. That fell within the param-

eters and came to a total of 275 duty hours that fell within the range of the bill.

I would say as an average, most schedules are built to 75 hours or so of scheduled flight timing. That other increase is what you do voluntarily in most instances.

And our bill and restrictions will accommodate that kind of income raising. I have to speak for the people I represent, they were not interested in having anything put on them that would restrict their ability to make money.

They are business people in the truest sense of the word. They have natural obligations and would need to meet them.

We believe our bill does that.

Mr. LUBY. One of the groups the TWA represents, the Southwest flight attendants runs into Mr. Lockland's area of the country and they have negotiated a series of contracts which gives the company a lot of scheduling flexibility in return for a lot of premium pay provisions.

And so they approach this issue with a lot of caution. They were concerned. But on the other hand, Mary Rebelly, who is the head of that local, had no problem with the notion that there was a limit at which point a flight attendant's alertness and capacity to respond was just too jeopardized for both her perspective or his perspective and the perspective of passenger safety.

And based on that principle, she agreed with the bill. And, in fact, I talked to her this morning and she has filed a flight and duty time grievance.

So notwithstanding that it could conceivably limit some economic opportunities, there is a limit to the amount of hours you can work and meet your obligations to the public.

Mr. CLINGER. Well, I want to thank you all for your testimony here today and welcome your interest. And I think we also certainly welcome your ongoing cooperation in terms of data collection. You should be involved and you should be a participant in that.

And thank you very much.

Mr. LAUGHLIN. Mr. Kelliher, when you or any of the other people looked at the scheduling and hours, duty time, flight time, all those I do not have straight at this point, and I want to ask you some questions about that.

But my first question to you or anyone that wants to respond, what problems does this create for your airline, this bill, as far as scheduling was concerned if these rules were implemented by way of having to hire more flight attendants, by additional cost?

Did you all look at that?

Mr. KELLIHER. Yes, we did, sir. In my case in particular, the flight attendants that are under contract with the carrier that we work for, all of this falls well within our contractual parameters already with the exception of one area and that is the 10 hour minimum rest.

Currently our agreement calls for no schedule to be built with less than 10 hours minimum rest. It does allow for actual rest to be reduced to 8 hours in certain instances.

And then requires a compensatory rest provision the following day. So an area that would impact my carrier would be that scheduling provision.

It would not affect their schedules because their schedules could not be built, in any instance, to allow for less than a 10 hour rest period or what we call a lay over.

In actual practice, it would impact them in some outlying stations when an actual operation, in order to meet their scheduling the following day, they would require an 8 hour rest.

It could never be reduced to less than 8 hours. It would affect them there and it would affect them in the extension of the debrief period by 15 minutes.

Mr. LAUGHLIN. As I understood answers a while ago, I want to be clear on this, for those of you who represent flight attendants who have contracts with air carriers, this bill would not affect your work hours?

Let me say it another way. Your contract already gives the flight attendants fewer flight hours over a period of time than this bill provides; is that correct? Did I understand it correctly?

Mr. KELLIHER. That is correct. My contract fits well within this language except for the two points that I just mentioned to you.

And I need to reenforce that in many ways that was a mandate of the people I represent so that they are able to still make the money they are use to making.

Ms. BRENNAN. If I could just add to that, I think the carriers are saying that they estimated the price or the cost at $10,000,000. It may not be. Even if it were that, it would represent about 2½ cents per passenger flown in an entire year.

And judging $10,000,000 against the billions of revenue and to the cost of equipment, I will swear we see that as very minimal cost.

They already are restricted in their scheduling policies by pilot work rules and pilot FARs. So we do not think that they are going to have as much trouble maybe as they perceive in working around in the scheduling area.

Mr. LAUGHLIN. When you talk about flight time and duty time, within those two categories, is your flight attendant time logged in some way when he or she gets to the airport and you have had a mechanical delay or weather delay?

Let me just give the example. Recently I was switching planes at Dallas/Fort Worth when an ice storm hit there. And the flight attendants and Greg Laughlin were there for about 8 hours before the plane got there.

And then there were a few more hours before the pilots that could fly the plane got there. So we were all stranded.

And I was wondering, I was pretty tired. I did not do anything but read and then I finally got on the plane and got to Lubbock, Texas at 3:00 o'clock in the morning.

I was just wondering, during that idle time at the airport—before I went to bed I was pretty exhausted and had not done anything but sit around the airport.

Is that logged in, in anyway in this flight time or duty time?

Ms. BRENNAN. They were on duty, I would assume. Once you report to the airport for a trip, even if it is canceled after you get there, you have reported, you are on duty. That is the duty time we are talking about in this bill.

So their clock had started prior. And when you got on the airplane, did you go back to sleep and they were sitting there in their jumpsuits?

But, I mean, it is exhausting. And that is the example we are talking about and that you heard from the previous panel. But that is considered duty time.

Mr. LAUGHLIN. Now, are the pilots treated in the same way on getting there? Same example. They would have been sitting there waiting on the plane to come in or the weather problems.

In calculating their 8 and 24 or 30 and 7, are they treated in the same way?

Ms. BRENNAN. Their bill is based on flight time, deck time. I think we feel in general that you are going to hear probably more from that group on duty time in the future to come.

Because of the flight time limitations, that same example, the only thing that would be calculated towards their FAR limits would have been their actual time block to block.

Ms. SAND. But it is very likely that in addition to the floor that has been set or the ceiling that has been set by the Government for the pilots on flight time and rest time, the pilots then may have negotiated a tighter duty time rule.

They then go in and negotiate over these kinds of problems. And who knows what would have applied there. When flight crews, pilots and flight attendants go to work, there are several clocks that we are on.

The one that we are focusing on that we thinks makes the most sense for you to deal with is the duty time. But there are flight time clocks, and there are these time away from home clocks, and all of those things add up in terms of your hours of work.

Mr. KELLIHER. Mr. Laughlin, I would like to examine a little more closely your Dallas example and the ice storm situation.

In terms of your earlier question, and what I think might be the carriers concern about the need to hire more personnel, and what this might do to affect that, and the cost to them.

Because I am concerned that the example you gave may be one that they would use as an indicator of how this would inflate their costs.

In that situation, a flight attendant under our bill would be able to remain on duty for 14 hours from the time they signed in until the time they would be scheduled or rescheduled to reach Lubbock, let us say.

If at a given point, the scheduled flying time from Dallas to Lubbock is such that they would not be able to complete that, then they would be released, conceivably, and sent home.

That would happen anyway under current rules, under current contract rules because anytime in a situation, since there is that maximum duty day, at least within my contract, in that same situation those same flight attendants would be released and another crew would be either rescheduled to get you to Lubbock or a reserve crew would be pulled out to accommodate that situation.

So there would be no change in cost to the company in that situation.

Mr. LAUGHLIN. For those of you with contracts, do you have a maximum number of hours per week, per month that you are logging as duty time or flight time?

Ms. SAND. All of our contracts vary on that. You have sitting before you, I am going to guess, I do not know, representatives representing maybe 25 different contracts in the industry, maybe more.

We do negotiate for duty times. We do negotiate for maximum flight time.

Mr. LAUGHLIN. Without identifying your carrier, just give me some rough figures or ballpark figures or representative figures from several of the contracts of duty time or flight time on a weekly or monthly basis. However you have it in your contract.

Ms. FRANKOVICH. At our carrier, we have a duty time limitations a scheduled limit of 13 hours on the domestic operation, an actual walk off limit of 15.

On the international operation, we have a scheduled limit of 14 and no actual limit in actual operation.

Mr. LAUGHLIN. Now, Ms. Frankovich, is that 13 hours in a 24 hour period of time or what time frame are you talking about?

Ms. FRANKOVICH. Well, just 13 hours will be continuous because we are on duty until it is broken. So it does not have to fall within a calendar day, it can fall starting one night and go into the next day.

There are nighttime limits as well. Our daytime limits are 13. Our nighttime limits on the domestic operation are 11 with a maximum of 13 in the middle of the night.

Mr. LAUGHLIN. Well, what happens at 13? Your flight attendants are required to go into a rest period?

Ms. FRANKOVICH. At our carrier, what happens is you, in advance of the deadline, you notify the carrier if you intend not to continue to work because you have an ability at the end of that time to say, "I do not intend to work."

And in actual operation, what may happen is you will receive cooperation and be replaced or you may be disciplined if, in fact, there is question as to whether or not the notice was given clearly or some other dispute as to the facts.

We do not have the power of law behind us that supports us and enforces our contract for us. But we do have the rules I am explaining to you.

Mr. LAUGHLIN. Well, let us keep it all in the same day rather than having to flip flop, 10:00 o'clock to 6:00 o'clock the next day.

You work 13 hours on Monday and you get your required break. Tuesday you work 13 hours and get your required break and Wednesday 13 hours.

What I am trying to find out is in your contract, in a weeks time, do you have a maximum that you can accumulate these 13 hours to total or is there a sum total number in a month?

Ms. FRANKOVICH. Yes, in addition to our duty limitations, we have flight limitations. And, therefore, while we have no 8 and 24 regulation at our carrier, which means during the course of a given day, we can work as many flight hours as can be crammed into a schedule of 13 hours or an actual of 15 hours on duty.

In the course of a week, we must have at least one day off in every seven days. We cannot fly more than 30 hours flight time in a seven day period.

So those rules are the combination of the two that have been negotiated at our carrier.

Mr. LAUGHLIN. So 30 hours is your maximum flight time in a seven day week?

Ms. FRANKOVICH. With some exceptions because we now have distinction between the domestic and the international operation. And with a recent homogenization we find that if you are on a 30 and 7 in a domestic operation, the carrier is balancing you on an international flight, making you 40 and 7 but considering it legal because they have crossed the zone into an international operation.

Mr. LAUGHLIN. Well, I want to stick with domestic. But once you hit the 30 hours in a weeks time, you are not legal to fly?

Ms. FRANKOVICH. Basically that is correct.

Mr. LAUGHLIN. All right.

Ms. SAND. Under the contract.

Mr. LAUGHLIN. Under the contract. Now, Mr. Broderick testified or in his report and I am apologizing for missing his testimony, but that there was no empirical evidence that shows any correlation between flight attendant duty time, flight attendant safety duties, and risk to passengers.

I was wondering if any of you have any information or recommendations of procedures or studies, records that would help bring that empirical study, empirical evidence to Mr. Broderick or to us?

And if you have testified about that, Mr. Chairman, I will just withdraw my question.

Mr. OBERSTAR. I did ask the question earlier, but you have phrased it in just a slightly different manner. So go ahead and respond.

Ms. HARKRIDER. Well, that brings me to a point that I would like to quickly discuss. Mr. Broderick, and please forgive me if I do not quote him correctly or exactly, but he said that all they had, they had a lot of empirical or antidotal stories in their docket at the FAA.

And I would like to encourage the FAA not to disregard those so lightly. And he also mentioned that there were several hundred comments from flight attendants wanting these duty time limitations.

We believe that there are several thousand comments in that docket. In fact, we have been pleaded with from the FAA to please cease and desist that they did not have the manpower to respond to this docket. That it was one of the faddist dockets in history.

Well, if there is no studies in there, as he says, and there is no evidence of the need, what is in this but people saying we need these.

We have aircraft that are flying at higher altitudes. We have aircraft that are longer ranged than ever before in history. We are looking at new 747 400s that have a flight range of nearly 20 hours.

We are not on DC3s and viscounts and DC6s any longer. And the hostile environment of the aircraft is much more intense.

In addition to that, I would like to clarify for the record that the flight attendant that was talking about the duty times does not have release duty times.

I hope that I am making this clear. She is released from duty when the blocks go under the wheel and that is the reason I did not correct her there.

Because not only would I confuse you but I would confuse her, too. Because she understands what the duty time is that we are looking for and that would be 30 minutes after the blocks go under the wheels.

And it did not appear to be appropriate at that time to correct that, but we will. She was talking from what she knew.

And, also, the NTSB is now looking at flight attendant fatigue when they investigate an accident. It is my understanding they are doing that.

But they have not done that historically. They have just started doing that. And we are very pleased that they are doing that.

But just due to the nature of a flight attendant, it is very difficult to get a flight attendant to say that they did not do something.

You are trained to do something one way and even if you do not do it that way, you can think of six other ways to do it correctly and make up for a mistake.

And in addition, this evidence that they want the blood on the runway, if you please, that we usually term this in the airline industry that they want evidence.

There has been so many flight attendants that have been deceased in these accidents, especially in the last few years. A lot of flight attendants are not with us any longer and a lot of passengers along with them.

And I do not think that you can ever find out if that flight attendant was so tired that the flight attendant and the passenger died.

I mean, it is obvious that we are still losing flight attendants, we are still losing passengers, and thank goodness there are not many and there are not many accidents.

But the flight attendants are feeling the stress of the industry today, and for over 30 years we have been asking for this.

The FAA has been charged with this in the FAA Act of 1987, and they have not done anything. And we feel that the duty time limitation is the simplest concept that addresses the problem.

The flight time limitations do not address the problems. The pilots will tell you that they do not address the problems. They can dead head people halfway around the world, but they have not put their wings on to fly the trips yet.

And so they have not violated any flight time limitations. But as far as we are concerned for health and safety of ourselves and our passengers, we have violated duty time limitations.

Ms. FRANKOVICH. If I may, I would like to add one thought to the question of the complications of trying to find information regarding the effects of flight attendant fatigue on passenger safety.

As you know, we have no whistle blower protection. So I think it is very unlikely that you would find flight attendants who survived emergency situations who would admit that they were asleep on landing, and, therefore, that their reaction time was delayed.

And I do not know to what extent you would be able to provide the kind of protection for the employees that would allow them the freedom to give you the kind of information you may be seeking.

Mr. LAUGHLIN. I want to ask about terrorism because this committee has heard quite a bit of a testimony in closed session on terrorism and threats, and it is my opinion that flight attendants are one of the vital lines of defense against a terroristic threat against the airliner and the passengers.

Mr. Chairman, my questions may be appropriate in executive session. If so, tell me, but I wanted to know if any of your——

Mr. OBERSTAR. The question is appropriate. It is only a question whether the answer might have some implications for security.

Mr. LAUGHLIN. And I want to talk about that a little bit, but I want to find out first if any of your associations or carriers have done any testing on the ability of flight attendants to handle terroristic situations based on fatigue or stress?

If you have not, then that will take away my line of questions. First of all, I just want to know if you are familiar with any testing on terroristic reactions?

Ms. FRANKOVICH. We have instruction on the handling of terror situations. But to my knowledge, it is not conducted in an environment of consideration of your stress related reactions.

Mr. LAUGHLIN. Or fatigue.

Ms. FRANKOVICH. Or fatigue.

Mr. LAUGHLIN. I would be first to say you could get up with a 12 hour sleep and the first 5 minutes be put in a terroristic situation and be stressful.

But I was wondering if there were any test from your training where you were put through a lot of—and I understand the pilots go through some stress type situations in their training.

And I was wondering if flight attendants had any experience or any testing in that because I think most would agree that flight attendants are very vital defense line in terrorism on our air carriers.

Ms. BRENNAN. I do not think to any of our knowledge, there has ever been any testing done that you are referring to. We do have training in security areas and terrorist areas, but we would welcome any addition of that nature because I think it would probably be good.

The nature of the training and the procedures that we go through without being specific on them do require a great degree of alertness.

And I think that maybe that sort of a study should be looked into.

Mr. LAUGHLIN. Well, in recent years, unfortunately we have seen too many news accounts of the heroism of many flight attendants in these hijackings and terroristic attacks on our passengers on carriers.

And I am just curious as to if any study had been made on those flight attendants that we have given due recognition to for their heroism in these terroristic situations on whether they had adequate rest beforehand.

To me, that would be an empirical factor for the FAA to look at. I remember several situations that just come to mind about flight

attendants being given credit by many passengers for saving life, handling the criminals who are on board shooting people, and threatening to blow up the planes.

And that presence of mind, and the ability and communicative skills. I know as a trial lawyer, you are more acute and better when you are rested than if you are worn out.

And I just wondered if you all had any reaction to that.

Mr. OBERSTAR. Gentleman's time has expired. Respond to the question, but we need to move on to the other witness panel.

Ms. SAND. This may not be directly on point, but I would like to comment that we appreciate your recognition of the flight attendant skills and their responsibilities.

We all have the privilege to represent some of these flight attendant heros and heroines and in some of the accidents within the last year, we at AFA have represented a number of them.

Unfortunately, their role and responsibility is not taken as seriously by the carriers as you, I think, have indicated. In fact, it is the reverse.

We have problems. We do not have people assessing their fatigue level. We are asked to get back on the plane within a matter of days after a traumatic accident to fulfill our responsibilities as a flight attendant.

So we need to move in the other direction.

Mr. LAUGHLIN. Thank you for you patience, Mr. Chairman.

Mr. OBERSTAR. We thank the gentleman for those questions, the very important ones that need to be developed. I have just a couple of questions.

On the issue of flexibility, should flight attendants be free to write a program that gives them the flexibility that we have talked about and heard about in previous testimony to choose longer periods of flight time than those that might be set say in rule making? Twelve hour flight schedules, so forth?

Is there merit in establishing bench mark levels and mandatory time frames saying beyond this, even if you want to endanger your own health, if that is the case, that you are not going to be allowed to do that?

Ms. BRENNAN. We think that it is the individual's health and it is also the safety of the passengers. And we would take the position that there is a level where there should be a cutoff regardless of one's desire to make more money or whatever.

It is the same as any other safety issue that there must be some sort of a regulation.

Mr. OBERSTAR. In short, you are saying that there are some limits on flexibility and the limit is something that has a physical dimension to it and a psychological dimension to it?

Ms. BRENNAN. In this bill?

Mr. OBERSTAR. No, just in the abstract? There were two points raised in Mr. Broderick's testimony. On the bottom of page 4, top of page 5, he raised a question about definitions in the Mineta bill being vague. The term "duty period."

And some of the bill's provisions are ambiguous. And he questioned whether subsection (c)(4) of the bill requires, quote, 12, 24 hour rest periods per month or does it require 8.

I would like you to respond to those questions in writing and provide us with your views on clarification of the term "duty period"; and to go back, and in writing make further, more precise, the distinction between duty time and flight time and the variations thereupon.

That will be helpful for us as we proceed with this legislation.

Any further questions, Counsel? And with that, I thank you very much. Gentleman from Tennessee?

Mr. DUNCAN. Let me ask a question.

Mr. OBERSTAR. Sure.

Mr. DUNCAN. I got here late so you may have already covered this, but what percentage of flight attendants are already covered by duty time limitations in contracts?

If you do not know exactly, I just——

Ms. BRENNAN. There are roughly 80,000 that are represented by unions. Now, out of that group—that is not a percentage. Out of that group, some have contracts, most have contracts.

Mr. DUNCAN. And all specify duty time limits?

Ms. BRENNAN. Yes, in one form or another. Now, even those without contracts or non-unions may have company policies. But we did touch on that previously that often those are to set a standard that they shoot for but if anything comes up, it does not exist.

Mr. DUNCAN. You said there was 80,000 in the unions but roughly, how many are not in the unions?

Ms. BRENNAN. About 20,000. We were trying to come up with an accurate number and we think it is probably no more than 20,000.

Mr. DUNCAN. Are some of the non-union flight attendants covered by—do their companies have policies with time limits in them or do they just——

Ms. BRENNAN. Yes, some do, but they have, as I said, it is a policy, it is not binding. And more often than not, the restriction only is that they cannot schedule you past a certain time but in actuality, they can reschedule you once you are there, depending on the circumstances.

So there is really no limit. That is where you run into the 24 hour duty days sometimes.

Mr. DUNCAN. I do not know whether this was asked, but I am curious about this. This is a totally different issue, but Mr. Clinger had a question listed here, which is more important to flight attendants? Placing restrictions on smoking aboard aircraft or placing limits on flight attendant duty time.

Ms. BRENNAN. I do not think we have a conflicted position on that, not that they are related.

Mr. DUNCAN. You are in favor of both of those, I guess; is that correct?

Ms. BRENNAN. Yes.

Mr. DUNCAN. All right. Thank you very much.

Mr. OBERSTAR. The record will not acknowledge a nod of the head. You have to vocalize it.

Ms. FRANKOVICH. Yes.

Mr. OBERSTAR. All right. Just to conclude on that point that the gentleman from Tennessee raised, is it satisfactory to leave the determination of flight time and duty time to the collective bargaining process?

Ms. FRANKOVICH. I think the reason we are here today is because we believe the answer to that question is no. If it had been satisfactorily addressed, if there were contracts, if they were enforced we would not be here today.

Mr. OBERSTAR. And, furthermore, there is no uniformity of ruling within the industry from carrier to carrier on duty time and flight time,—

Ms. FRANKOVICH. That is correct.

Mr. OBERSTAR. —as I have discerned from previous testimony from your testimony and this panel, correct?

Ms. FRANKOVICH. That is correct.

Mr. LUBY. I guess our group is a good example of what you are talking about. On the one hand we have the group at Southwest which has a very healthy collective bargaining relationship and is able to establish some things that they do not need as much help.

Our other group deals with Frank Lorenzo. And where you run into a whole different set of problems. And so you do not have much uniformity among carriers is the point I am making.

And, therefore, you have widely varying conditions and those variations should not exist where there is a matter of safety.

Mr. OBERSTAR. All right.

Mr. ARONOFSKY. Congressman, one final point about the adequacy or not of the bargaining process. When all is said and done, if you have got the best union contract in the world, the carrier can still force you back on the plane or fire you if you do not get back on the plane, and you have got 2 years to arbitrate your job back.

Many flight attendants confronted with that alternative will get back on the plane. And an FAA rule is literally the only legal protection they have to prevent that situation.

And that is the state of the law today.

Mr. OBERSTAR. Well, in conclusion of this panelist, if Mr. Boehlert has any questions?

Mr. BOEHLERT. No.

Mr. OBERSTAR. It strikes me as a great anomaly that in this most heavily regulated of industries, where everything from the time a fan blade may remain in operation on an engine to the amount and frequency of oil changes on piston engines that among all those myriad regulations, uniquely flight attendants are not regulated, not covered by regulations.

There is no certification for flight attendants and there is no Federal flight or duty time regulation for flight attendants, only drug testing.

Thank you very much. We are very greatful for your helpful and thoughtful testimony.

[Ms. Brennan's prepared statement follows:]

Before the Subcommittee on Aviation
House Committee on Public Works and Transportation

Flight Attendant Fatigue and Safety

May 17, 1989

Coalition of Flight Attendant Unions

Susan Bianchi-Sand, President
Association of Flight Attendants

Michael Kelliher, President
Association of Professional Flight Attendants

Vicki Frankovich, President
Independent Federation of Flight Attendants

Margaret Brennan, President
Independent Union of Flight Attendants

William Genoese, Director, Airline Division
International Brotherhood of Teamsters

Mary Jane Barry, President
Transport Workers Union

Carla Winkler, President
Union of Flight Attendants

Chairman Oberstar, Members of the Subcommittee:

Thank you for this opportunity to testify on behalf of the Coalition of Flight Attendant Unions, an alliance representing over 70,000 flight attendants working to promote passenger safety and flight attendant occupational health through: (1) safe, healthy, and reasonable hours of work; and (2) reasonable hours of rest for flight attendants.

Currently there are no regulations governing the hours of work or rest for flight attendants. In the interest of providing flight attendants with safe and healthful jobs, for the increased safety of the traveling public, and to foster equal protection under the law for this segment of American workers, we urge you to support the legislation before you.

The Federal Aviation Act of 1958 authorizes the Federal Aviation Administration (FAA), and indeed requires the FAA in the interest of safety, to write rules and regulations governing the maximum hours for periods of service for "airmen" and other employees of air carriers.[1] Further, the FAA has claimed jurisdiction over, and responsibility for, the occupational safety and health of all crew members and has acknowledged that maximum hours of duty and minimum hours of rest for crew members are appropriately regulated under this responsibility.[2] Despite their mandate and assertions, the FAA has failed to set duty time limits

or rest period requirements for flight attendants. Those FAA limits which do exist apply only to the predominantly male employee groups of air carriers, i.e. pilots, flight engineers, and dispatchers. Historically, such disparate rulemaking has discriminated against flight attendants, a predominantly female work force.

Flight attendants are also not covered by section 7 of the Fair Labor Standards Act or the protections of the Occupational Safety and Health Administration. Thus, there are no economic or other regulatory penalties for a carrier that schedules flight attendants for an excessive number of hours.*

The result of this disparity in the treatment of flight attendants is abusive scheduling that threatens the health of flight attendants and the safety of the millions of Americans who fly each year.

Let us look at the safety duties of flight attendants and examine the effect that flight attendant fatigue has on those

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*Air crewmembers, including flight deck and cabin crew, are regulated under Title II of the Railway Labor Act and are therefore excluded from section 7 of the Fair Labor Standards Act which sets the basic work week at forty hours. Flight deck crew, however, have had some basis for work hour maximums since the National Labor Relations Board rendered Decision 83 (May 10, 1934). This decision was later incorporated into section 401 of the Civil Aeronautics Act of 1938 and section 401(k) of the Federal Aviation Act of 1958. These regulations have been modified only slightly during the last fifty-five years.

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duties. First and foremost, let us look at the emergency evacuation with a post-crash fire. It is well known through studies of accidents, such as the 1985 British Airtours B-737 fire on take-off, that every second counts in an evacuation. Studies of the flow of passengers escaping through exits have shown that if an evacuation takes five seconds longer, it can mean that five more people will die from flames, smoke, and toxic gas.[3] In the British Airtours tragedy the plane was taking off when it suffered an uncontained engine failure and subsequent fire which quickly penetrated the rear cabin. Even though the plane was stopped on the runway and fire crews responded immediately, 55 persons on board died from fire and toxic fumes.

In such situations flight attendants are absolutely crucial to minimizing loss of life. They must determine that an evacuation is necessary. They must determine which exits to use after assessing dangerous external conditions. They must open the exits and deploy the slides, which are often damaged or malfunctioning, and they must direct and redirect the passengers safely out the exits. These are responsibilities which require appropriate training, rapid response, good judgment, and courage.

However courageous, we believe that flight attendants who have worked 16 or more hours, with multiple take-offs and landings, little rest, and jet lag will be unable to optimally handle emergencies such as the recent in-flight cargo door separation on

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UAL Flight 811 which killed nine passengers. In a 1979 article entitled "Chronic Fatigue" in Aerospace Safety, one aviation expert cited the following problems with chronic fatigue as it relates to pilots: increased error potential; increased reaction time; deterioration in timing; increased willingness to accept lower standards; attention to individual task components to the exclusion of others; a tendency to neglect relevant cues; mistakes on simple, well-learned tasks; reduced attention span; and overlooking of important elements in a task series.[4]

While this study relied on the research of behavioral scientists, we think that anyone in this hearing room can draw upon their own experience to realize that fatigue compromises safety performance. Studies of equipment operators throughout our society show that "inadequate sleep, even as little as 1 or 2 hours less than usual sleep, can greatly exaggerate the tendency for error," particularly as the evening progresses.[5] In the aviation area, Gander and Graeber from the NASA Ames Research Center have stated, "Fatigue has often been cited as a contributing factor in reports of operational errors by air transport flight crews."[6] According to Graeber, "Since 1980, air transport error reports directly associated with fatigue have continued to increase in the (NASA) Aviation Safety Reporting System data base."[7] Graeber has also reported napping by pilots during long flights.[8] Dr. Stanley Mohler, former Chief of the FAA's Aeromedical Applications division, has written several articles outlining the problem of

flight attendant fatigue and suggesting that schedules be changed to solve these problems.[9]

Of course, the effect of fatigue on safety has long been acknowledged by the FAA through the regulation of hours of work and rest of pilots, dispatchers, and air traffic controllers. Each of these groups has important safety duties that would be compromised by lack of alertness, poor concentration, increased errors, and the other usual results of excessive fatigue. Our duties in an emergency evacuation are equally essential to safety, and it is obvious that they would be equally compromised by fatigue.

Flight attendants do much more than evacuate aircraft after accidents. We deal with disturbed and assaultive passengers, and with hijackers and terrorists. We are the fire department at 30,000 feet and must be able to detect and fight in-flight fires. Detecting smoke, or the unusual behavior of passengers, is precisely the kind of task that is affected by fatigue. Flight attendants must cope with in-flight medical emergencies, ranging from heart attacks to turbulence-related injuries. We must assist passengers in life-threatening aircraft decompressions. We are the on-site bomb detection squad. We must evacuate an aircraft when there is a fire hazard or bomb threat. These types of emergencies are not rare events; one of these emergencies occurs each day.

Recently, the FAA acknowledged the importance of flight attendants to aviation safety by subjecting them to drug testing. One group of drugs that we are required to be tested for is opiates. Webster's dictionary defines opiate as "containing opium, inducing sleep, narcotic." Narcotic is defined as a drug that dulls the senses and induces sleep. Can anyone miss the irony of requiring flight attendants to be randomly tested for sleep-inducing drugs, while at the same time allowing them to work for 24 hours in a row? We believe that there is considerably more evidence that we are fatigued on the job than that we are drugged on the job.

We think some of the FAA's safety experts understand the importance of flight attendant alertness. After we filed petitions for rulemaking four years ago seeking duty time rules, former FAA Administrator Donald Engen indicated that he supported regulations and a proposed rule was drafted by the Federal Aviation Administration. This proposed rule was not approved by the Department of Transportation, and our petitions for rulemaking were denied after Donald Engen left the agency. This denial ignored the problem of flight attendant health, the evidence of flight attendant fatigue in the docket, and the considerable body of scientific literature showing that fatigue has an effect on safety performance.

How fatigued are flight attendants? It is not uncommon for

flight attendants to work a 12 hour day with an ensuing rest period of nine hours. This "rest" period includes doing paperwork, traveling to the hotel, checking in, eating, sleeping and returning to the airport. This sequence might be followed by another 12 hour work day. The fatiguing effects of these long work days (which can also include night work, time-zone transitions, and rotating shifts) are compounded by environmental factors such as poor cabin air quality, noise, and vibration, as well as a demanding physical work load. For example, flight attendants must walk several miles and push 250 pound meal and beverage carts on inclined floors.

These 12 hour days are often extended to 16 hours or more due to mechanical problems, air traffic control delays, weather, and other circumstances. At some point, a flight attendant's ability to function is compromised placing the traveling public and the crew member at risk. There are even cases where a duty period will exceed 16 hours. For example, on one TWA flight from Athens to New York, the flight attendants were delayed first on the ground for four hours due to a mechanical problem, and then diverted to London because of a disruptive passenger. Although the pilots were replaced in London, the company refused to bring in a replacement flight attendant crew even though one was available. After a long delay on the ground in London the original flight attendant crew flew on to New York. As a result, they were on duty for a total of 27 hours.

We wish to point out that if flight attendants refuse to fly because of fatigue, they can and have been disciplined and terminated. Flight attendants should never have to choose between safe operations and their job. Nor should they be forced to compromise their own personal health. Fortunately, it is not necessary to completely overhaul the way the industry schedules its flights to protect safety and health. The Mineta bill sets parameters that are feasible, and we want to thank Congressman Mineta for his tremendous support on this issue, and on other cabin safety issues.

We wish we could say to you that our fatigue problem was simply one of long hours and short rest. But actually there is a much more insidious factor at work. Although the government said in denying our petitions for rulemaking that there is no "empirical evidence" that we are fatigued, the agency is well aware of the fact that we are shift workers who work rotating shifts while crossing multiple time zones. While there may be little "flight attendant-specific" data in the scientific literature on the effects of such work, there are over 5,000 studies in the general literature on shift work.[10] In fact, the FAA itself published a document which included 1328 citations. It is ironic to note that in an abstract accompanying this document, the FAA cautions investigators "to be more aware of the available world-wide literature."[11]

Since flight attendants are of the same species as the subjects of these other scientific studies (although the FAA and the airlines seem reluctant to admit it), we would like to explore this problem in detail with the subcommittee.

One of the most predictable features of the Earth's environment is the regular 24 hour alternation between night and day as the Earth spins on its axis. Concomitantly, most biological species, humans included, are equipped with a circadian pacemaker that synchronizes physiological functions with changes in temperature and illumination. There is no organ or function in the body which does not exhibit rhythmicity and this physiological clock is a basic feature of all living organisms.[12] The human circadian mechanism uses the light-dark cycle as its principal pacemaker. Thus, exposure to an appropriate light-dark schedule is essential to the normal functioning of the human circadian system.[13] Our biological clockwork becomes unbalanced and asynchronous when we engage in night work, cross time zones, and extend our waking day. Disrupting the normal cycle of these basic physiologic functions bears directly upon worker performance, efficiency and health.[14]

Aerospace transportation exposes air crew to all of these destabilizing factors. The resultant alterations of circadian rhythms, or jet-lag, are equivalent to those experienced by shift

workers, but in combination, these multiple conflicts can result in disturbances of circadian rhythmicity that are more complex than those observed under each conflict alone as is normally the situation with regular shift work.[15]

The adverse effects of circadian dysrhythmia were noted soon after man began rapid transmeridian air travel. In fact, it was Wiley Post, in 1931, who first recognized that the physiological changes caused by flight posed potential problems to aviators.[16]

Studies have since shown that, "Flight-related disturbances of both single biological rhythms and the usual synchrony among several of these rhythms can be deleterious to physiological functioning and performance."[17] In reviewing the literature specific to the aerospace environment, Winget and associates consistently found that crossing time zones and the resulting phase shift of performance and physiological rhythms resulted in significant performance decrements. Much of the literature found performance deterioration to be related to sleep loss, but documentation also exists linking performance deterioration directly to advances in sleep-wake cycle despite normal sleep duration.[18] The review by Winget references 119 separate citations specific to aviation and includes the work of such recognized authorities as Aschoff, Colquhoun, Czeisler, Ehret, Graeber, Klein, Mohler, Preston, and Wegmann.

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At least two of these studies dealt exclusively with cabin crew. Preston found that because air crews are in a continuously moving situation, the tendency to go into sleep debt is exacerbated. He also found that "in the case of cabin crew, loss of sleep tended to increase with the number of night flights on the tour and in some individuals became quite severe."[19] These findings confirmed earlier studies in which Preston found up to an average of five hours sleep debt per night for some individuals on long, multiple trans-Atlantic flights.[20]

It is interesting to note that these flight attendant studies are consistent with the findings of researchers looking at other kinds of shift workers. For example, Tilley et al. found that sleep loss in food manufacturing workers accumulated during the week at approximately 1.5 to 2 hours loss per day.[21]

Performance deterioration, as evaluated in this broad spectrum of research, has included criteria such as reaction time, memorization, visual search, vigilance, grip strength, and logical reasoning. These are all skills required of air crews on every flight.

In addition to the immediate task-related safety concerns associated with circadian dysrhythmia, there are potential health effects of chronic, repeated disruptions to the internal body clock. We recognize that, to date, studies of the health

consequences of chronically rotating schedules have been limited to retrospective comparisons of shift-workers and the general population and that interpretation of these studies must be cautious. We also agree with the majority of shift-work experts that there is a pressing need for longitudinal epidemiological studies to determine the mortality and morbidity rates associated with exposure to shift work and time zone transition.[22]

"Nonetheless, there appears to be significant evidence to support the hypothesis that shift-work and the associated chronic circadian disruption are associated with increased risk for a number of health problems."[23] Gastrointestinal pathology and an increased risk of cardiovascular disease are the two most commonly reported anomalies through the literature. Other medical conditions and complications reported include: psychoneurotic disorders, stomach upset, insomnia, edema, frequent headaches, constipation, irregular menstrual cycles and exacerbated dysmenorrhea. Clearly, protection of flight attendant health, as well as safety, is an important goal in establishing federal regulations of flight attendant duty time.

Although we have these concerns, we do not want to leave you with the impression that flight attendants are unwilling to work long hours. For example, the Mineta bill allows for 14 hour days domestically and 16 to 20 hour flights internationally. However, the Mineta bill also requires that flight attendants have 10 hours

of rest after a domestic flight, and 12 hours of rest after an international flight, so that they can travel to and from the airport, eat, and still have time to get a decent night of sleep. We do not think a 14 hour day, with 10 hours away from work, is a particularly unreasonable request in a society that has had a national policy promoting an eight hour work day for half a century.

The Mineta bill before you today is written in terms of duty time, as opposed to the current flight time rules established for the pilots. A recent study showed that nine major industrialized countries of the world base their regulations on both flight and duty time or duty time alone.[24] Of the countries reviewed, only the United States and France consider just flight time. The rationale for a duty time approach is best summarized by internationally noted authorities Wegmann, Conrad, and Klein of the Institute for Aerospace Medicine in West Germany who state: "There is general agreement that, for evaluating fatigue in current air transport operations, duty time is a far better measure than mere flight time, since the effects contributing to aircrew fatigue are not confined to the time an aircraft is airborne but are also produced while on the ground."[25] It should also be noted that Martin C. Moore-Ede, M.D., PH.D of Harvard Medical School has been very

critical of the use of flight time concepts in regulating pilots.[b]

It has been said by the airlines that the issue of flight attendant working hours should not be regulated by the FAA because it is just a matter of collective bargaining. But, if working hours are just a matter of collective bargaining, why does the FAA regulate pilot, dispatcher, and air traffic controller duty hours? It is because aviation safety matters are too important to be left up to the collective bargaining process. Moreover, the maximum duty hours in the Mineta bill encompass the maximum hours allowed under many collective bargaining contracts. It is the flight attendants at smaller, non-union carriers (as opposed to, e.g. Delta) that would benefit most from duty time rules. For example, the National Transportation Safety Board found that the flight attendants who died in the Galaxy Airlines crash on January 21, 1985 would have been on duty 25 hours if the plane had not crashed.

Finally, we would like to caution the subcommittee about statements you may hear to the effect that flight attendants spend a reasonable number of hours in flight each month. Actual flight time is only a small fraction of the amount of time a flight attendant works due to requirements to report to work well in

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[b] In a May 1, 1984 letter to Representative Cardiss Collins regarding the Notice of Proposed Rulemaking on pilot flight time, Dr. Moore-Ede stated: "My careful review of this document indicates that it completely ignores the considerable body of medical evidence that is relevant to the scheduling of air crew who are working altered or irregular work-rest schedules."

advance of the flight, time spent on aircraft at intermediate stops, time spent between connecting flights and on overnights, and time required to perform paperwork and other duties after a flight. Flight attendant actual work hours are often twice the number of hours flown, and hours away from home are often four times the hours flown.

Mr. Chairman, members of the subcommittee, I would like to again point out the irony of allowing flight attendants to be on duty for 25 hours in a row, as in the Galaxy case, while at the same time requiring them to be randomly drug tested to find out if they are taking sedatives that might make them drowsy. This is not good government, and it is not sound safety policy.

Thank you again for this opportunity to testify.

END NOTES

1. Section 601(a)(4) of the Federal Aviation Act of 1958.

2. DOT/FAA Notice: "Guidance Information on Occupational Safety or Health Standards for Aircraft Crewmembers." July 2, 1975.

3. FAA and Boeing studies of full-scale evacuation tests indicate that under test conditions passengers leave aircraft through the largest exits at a rate of 110 passengers per ninety seconds. Thus the flow through just one door can be one passenger per second.

4. Jacks, R.L., "Chronic Fatigue," Aerospace Safety, Jan. 1979.

5."Consensus Report of the Association of Professional Sleep Societies' Committee on Catastrophes, Sleep, and Public Policy", Sleep, 1988.

6. Gander, P.H. and Graeber, R.C., "Sleep in PIlots Flying Short-Haul Commercial Schedules," Ergonomics, 1987.

7. Graeber, R.C., "Aircrew Fatigue and Circadian Rhythmicity" in Human Factors in Aviation, Academic Press, Inc., 1988.

8. Graeber, R.C., "Long-Range Operations in the Glass Cockpit: Vigilance, Boredom, and Sleepless Nights," Nato Advanced Research Workshop, Sept. 1988.

9. See, e.g. Mohler, S.R., "Flight Attendant Health", Second Annual International Aircraft Cabin Safety Symposium, 1985.

10.Smolensky, M.H. et al., "Biological Rhythms, Shiftwork, and Occupational Health" in Cralley, L. et al. editors, Patty's Industrial Hygiene and Toxicology, Vol. III., New York, John Wiley and Sons, 1985, pg. 176. See also Schroeder, D., and Goulden D., A Bibliography of Shift Work Research: 1950-1982, FAA-AM-83-17, 1983.

11. Schroeder, D. and Goulden, D., "A Bibliography of Shift Work Research: 1950-1982", FAA-AM-83-17, 1983.

12. Aschoff, J., "Circadian Rhythms in Man," Science, Vol. 148 No. 3676, 1427-1432, June 11, 1965.

13. Moore-Ede, M.C. and Richardson, G.S., "Medical Implic ions of Shift-Work", Ann. Rev. Med., Vol. 36:607-17, 1985.

14. Tasto, D. et al., "Health Consequences of Shift Work", NIOSH, 1978.

15. Samel, A. and Wegmann, H.M., "Desynchronization and Internal Dissociation in Aircrew," Ergonomics, 1987, Vol. 30. No. 9. 1395-1404, .

16. Post, W. and Gatty, H., Around the World In Eighty Days, London: John Hamilton, Ltd. 1931.

17. Winget, C. M. et al., "A Review of Human Physiological and Performance Changes Associated with Desynchronosis of Biological Rhythms," Aviat. Space Environ., 55: 1085-96, Dec. 1984.

18. Winget, C.M. et al., ibid.

19. Preston, F.S., "The Health of Female Air Cabin Crews", Journal of Occupational Medicine, Vol. 20. No. 9: 597-600, Sept. 1978.

20. Preston, F.S. et al., "Sleep Loss in Air Crew", Aerospace Medicine, Vol. 44, No. 8, 981-93, August, 1973.

21. Tilley, A.J. et al., "The Sleep And Performance of Shift Workers," Human Factors, Vol. 24. No. 6:629-41 Dec. 1982.

22. Johnson, L.C., et al. editors, The Twenty Four Hour Workday: Proceedings of a Symposium on Variations Work-Sleep Schedules, NIOSH/DHHS No. 81-127, July, 1981.

23. Moore-Ede, M.C. and Richardson, G.S., "Medical Implications of Shift Work", Ann. Rev. Med. 1985. 36:607-17.

24. These countries are Australia, Germany, Japan, Denmark, Sweden, Norway, Soviet Union, Switzerland, and the United Kingdom.

25. Wegmann, H.M. et al., "Flight, Flight Duty, and Rest Time: A Comparison Between Regulations of Different Countries," Aviation, Space and Environ. Med., Vol. 54. No. 3: 212-217 (1983).

Mr. OBERSTAR. Our next panel includes Mr. Walter S. Coleman, Assistant Vice President for Operations of the Air Transport Association of America; Nancy Baldwin, Flight Attendant for Delta Airlines; Deborah McElroy, a Vice President, Regional Airline Association; Laura Frost, Flight Attendant, Ground Instruction for her Horizon Airlines; and Tammye Lynette Walker, Flight Attendant, Base Manager In-Flight Department, Houston for Southwest Airlines.

Have we covered everyone? I think we have.

Mr. Coleman, are you the lead among your group here?

Mr. COLEMAN. Yes, sir, I am.

Mr. OBERSTAR. And we would be pleased to take your testimony at this point.

TESTIMONY OF A PANEL CONSISTING OF MR. WALTER S. COLEMAN, ASSISTANT VICE PRESIDENT, OPERATIONS, AIR TRANSPORT ASSOCIATION OF AMERICA; MS. NANCY BALDWIN, FLIGHT ATTENDANT, DELTA AIRLINES; MS. TAMMYE L. WALKER, FLIGHT ATTENDANT BASE MANAGER, IN-FLIGHT DEPARTMENT, HOUSTON, SOUTHWEST AIRLINES; MS. DEBORAH C. McELROY, VICE PRESIDENT, REGIONAL AIRLINE ASSOCIATION, ACCOMPANIED BY LAURA FROST, FLIGHT ATTENDANT, GROUND INSTRUCTION, HORIZON AIRLINES

Mr. COLEMAN. Thank you, sir, and I will be followed by Ms. Baldwin, and Ms. Walker, and then Ms. McElroy, sir.

Mr. OBERSTAR. We are very happy to have your testimony.

Mr. COLEMAN. Thank you. I am to read abbreviated testimony and I will submit the entire testimony to the record if that is acceptable.

Mr. OBERSTAR. Your entire statement will be included in the record without objection at this point.

Mr. COLEMAN. Thank you. I am Walter S. Coleman, Assistant Vice President of Operations for the Air Transport Association of America. On behalf of our member carriers, I would like to thank you for the opportunity to appear here today and explain our serious concerns and opposition to H.R. 638.

Before I comment on the bill, I would emphasize that the carriers recognize the integral and critical role of flight attendants in the conduct of safe air carrier operations and their contributions in delivering the best possible product to the public.

Their professionalism and dedication to the safety imperative are acknowledged and appreciated.

Proponents of duty time limits and rest requirements for flight attendants frequently cite as justification, the existence of such regulations for pilots and they suggest that the safety responsibilities of flight attendants require similar regulations.

The safety duties involved however, are profoundly different. The pilots are in control of the airplanes flight path and its systems.

They must manipulate controls and monitor or manage critical systems such as fuel and cabin pressurization. Their duties cause them to be the continuing critical link in the operation of the air-

As noted previously, flight attendants do have a safety role in the operation. It is one which is qualitatively different from the pilots actual operation of the airplane.

H.R. 638 was introduced on January 24, 1989, the day after former FAA Administrator McArtor issued a denial of two petitions from flight attendant organizations.

The petitions sought an FAA rule making on flight attendant duty time. As Administrator McArtor noted, even the union petitioners agree that there was quote, no empirical evidence that shows any correlation between flight attendant duty time, flight attendant safety duties, and risk to passengers, end quote.

The denial further states: "There is no showing that the unrelated instances cited in a few comments of lengthy flight attendant duty time either were the result of work rules mandated by the company or were systemic throughout the industry.

Nor was there showing that these instances had an adverse impact on safety." While these are the facts identified by the Government's leading aviation expert after a thorough examination of the subject, it would seem appropriate to interrupt my written testimony to comment on Mr. Broderick's earlier discussion with you.

We agree that FAA regulations are and should be based on appropriate data and that the carriers will support any study that the FAA determines is appropriate to provide information to the Chair.

Proponents of H.R. 638 assert that there has been considerable disregard for safety by airlines because of unreasonable duty and rest requirements.

This is incorrect. The current industry safety record with regard to flight attendant duty time is very clear. Over the more than 60 years that flight attendants have been part of the air transportation system, not one accident or incident has occurred in which the performance of a flight attendant was alleged to be inadequate due to fatigue.

To the contrary, outstanding flight attendant performance is reported in virtually all recorded emergency situations.

Is this a record which calls out to Congress for legislative intervention? We believe the answer again is clearly it is not.

The ATA member airlines are of the view that flight attendant duty limits and rest requirements are not safety issues as alleged, but rather issues properly and historically addressed in negotiations between the air carriers and their flight attendants.

In promoting this legislation, unfortunately, certain organizations are inappropriately seeking to gain what they perceive to be a bargaining advantage in the process.

ATA member airlines fly 96 percent of the revenue passenger miles. All of our member airlines have contracts or defined work rules, most of which are the result of collective bargaining agreements.

Many other large and small carriers who are not members of ATA also have contracts or defined work rules, several of which are also the result of collective bargaining.

These contracts and defined work rules already include duty time limits and rest requirements. To whom then is this bill addressed?

When you combine the total revenue passenger miles of these ATA and non-ATA members, only the smaller airlines who represent perhaps one percent of the total revenue passenger miles will be directly affected by the bill.

Why enact a law without a clear safety basis that impacts such a small percentage of the industry?

A key area of industry concern regarding H.R. 638 is the issue of scheduling. While it is difficult to generalize, I would like to provide some background on a typical flight attendant's monthly scheduling process.

Most flight attendants work approximately 12 to 15 days a month, flying roughly 6 to 7 hours per work day. The remaining 15 to 18 days are free of duty.

Schedules are normally developed by the carrier and reviewed by a union or a flight attendant group scheduling committee.

In order to maximize time off, a high value is placed by many flight attendants upon trips which maximize flying time in a minimum number of days.

In fact, in some contract negotiations, flight attendants have sought the right to concentrate their flying. Furthermore, as in any industry, it is not uncommon for a flight attendant to seek additional duty time in order to enhance earnings.

H.R. 638 would limit flight attendants from flying extra hours to earn extra money and it would reduce some options and flexibility which many flight attendants find attractive.

In other words, not all flight attendants benefit from H.R. 638.

Mr. Chairman, no matter how structured, Federal intervention would place limits on the bargaining power of both labor and management, and reduce their flexibility in negotiating contracts responsive to the specialized needs and desires of airlines and their employees.

The rigid imposition of duty limits and rest requirements would eliminate the flexibility necessary to deal with ever changing demands and desires, and negate these "living" agreements developed through the healthy exchange of views between labor and management.

We know there are flight attendants who fly the line that do not embrace this legislation. The carriers and the flight attendants have dealt effectively with the issue of flight limitations and rest requirements for 60 years.

And they should be free to continue the process unincumbered by Federal regulation.

That concludes my remarks.

Mr. OBERSTAR. Thank you, Mr. Coleman.

Next, Ms. Baldwin.

Ms. BALDWIN. I am Nancy Baldwin, a flight attendant for Delta Air Lines. I live in Miami, Florida at 8620 Southwest, 161 Terrace. My domicile is Miami/Fort Lauderdale.

I have been a flight attendant for Delta for 23 years. During my career I was an in-flight supervisor from 1972 to 1973, and promoted to supervisor, flight attendant scheduling in late 1973.

I returned to flight attendant active status in 1978, and was elected to the flight attendant's scheduling committee in 1980.

I am currently the chairperson for the Miami/Fort Lauderdale flight attendant scheduling committee. It is my extensive background in scheduling, and as an active flight attendant that motivates my appearances here today.

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to appear today to express on behalf of Delta's 12,000 flight attendants, a number of concerns relative to H.R. 638.

While this statement represents my own views, Delta has reviewed my testimony and supports the positions reflected therein.

I am here today because of my strong belief that Federal regulations of our profession's flight and duty times is unnecessary and contrary to the best interest of working flight attendants.

My concern is the impact H.R. 638 will have on Delta flight attendant's work schedules. Enactment of this legislation will severely restrict our scheduling flexibility and reduce the employees ability to establish a work and time off schedule that optimizes the objectives of the individual.

The principle responsibilities of a flight attendant is to assure the safety and well being of the passenger. Besides an initial extensive 30 day instruction and training period, all Delta flight attendants are recurrently trained each year in safety procedures.

I would not be here today if I felt that the existing work environment at Delta compromises my responsibilities as a safety professional.

As part of our training, we are intensely drilled in how to rapidly react to an emergency. In the unlikely event that an emergency occurs, our extensive training assures spontaneity and a reaction which, I believe, will overcome any possible effects of fatigue.

The profile of a flight attendant at Delta Airlines has drastically evolved from young, single females to include males, mature females, and married persons with children.

Thirty years ago in our company, the average length of service was approximately 18 months. Today the average exceeds 10 years.

It is important to remember that a primary factor for such longevity is our unique ability to schedule the time we work and the time we have off.

Like most other senior flight attendants, I pursued a flying career because of the flexibility and days off our monthly schedules afford.

No matter what the personal reason, each flight attendant cherishes his or her, on an industry average, 15 days a month work schedule.

They also enjoy the flexibility unique in our profession to change their work schedule, lessen or augment their flight time, and in general, mold their work schedule around their individual lifestyle.

As a flight attendant, I have enjoyed a career that has given me the flexibility to work on a full time basis and to spend a considerable number of days at home each month to raise my sons.

My children are teenagers now, and as a more senior flight attendant, I exercise my seniority to bid for less days away from home and to change my work days, quite often, to meet my demanding home life.

If H.R. 638 were to become law or if a comparable regulatory scheme were imposed, my choices to arrange my work schedule would be greatly diminished.

This bill would increase my days on duty by raising the actual rest time and decreasing the actual duty time. I normally work two or three consecutive 11 hour duty days a week in order to be off for the remainder of the week.

Of this amount of time, Delta's rules prohibit the scheduling of more than eight flight hours. However, my average actual flight time is between 6½ to 7 hours.

If H.R. 638 were to become law, I would be forced to work an additional day each week without any commensurate increase in pay.

I am proud to say Delta flight attendants have considerable input into the way our schedules are structured. We have a very active flight attendant scheduling committee.

These elective representatives meet with management on a regular basis to review work schedules and policies. Input from these representatives is instrumental in the development of our attractive work environment.

Our common objective in schedule development is to achieve the most productive schedules which maximize work and time off periods.

Our route structure, levels of cabin service, the number of flight segments, are all considered in constructing a work environment which is favorable to the flight attendant.

This process enables us to eliminate the less desirable work pattern from the standpoint of productivity, customer service, and basic economics.

Much effort goes into constructing these trip pairings which are not only workable but also provide an environment for alert and top-notch flight attendant performance.

Safety, however, is never compromised for the sake of flight attendant productivity or for that matter, corporate profits. While Delta's duty time limitations are less stringent than the time proposed in H.R. 638, our rules establish schedule limitations for flying in one duty period, a 24 hour period, a 7 day period, and a calendar month.

In addition, we have work rules governing our actual maximum duty time. We are not required to remain on duty over 16 actual hours.

These 16 hours include any scheduled rest, if such rest period is reduced to less than 7 actual hours off duty. We also receive no less than 15 hours free from duty upon return to domicile when we have flown over 8 actual hours in a 24 hour period.

These maximum/minimum limitations are in no way excessive nor have they ever diminished our performance or proficiency in an emergency situation.

To suggest that the flight and duty time rules prescribed in H.R. 638 would alleviate flight attendant fatigue, fails to recognize the nature of the job.

As long as I have been in this business, flight attendants never have agreed on what creates the most fatigue. It is an individual situation.

However, I do know that H.R. 638 or a comparable regulation would not eliminate it; and it will make my job less desirable.

I sincerely appreciate this opportunity to appear as a witness today, and I shall be glad to answer any questions you might have.

Mr. OBERSTAR. I appreciate your testimony very much. Thank you, Ms. Baldwin. Ms. Walker?

Ms. WALKER. Good afternoon Mr. Chairman and members of the subcommittee, I am Tammye Lynette Walker and I appreciate the opportunity to appear before this committee today regarding H.R. 638.

As base manager, I am in charge of the Houston base flight attendant operation which has approximately 500 active flight attendants and 5 supervisory and administrative personnel.

My responsibilities as base manager include overseeing the daily operation, monitoring quality control, conducting employee evaluations, and enforcing and writing in-flight policies and procedures.

Although I was initially hired at Southwest Airlines as a flight attendant supervisor, a condition of employment was to fly as an active on line flight attendant.

Presently, I still maintain my qualifications and on occasion, fly as an on line flight attendant. Prior to joining Southwest Airlines, my airline career began in 1983, with Muse Air, formerly TranStar Airlines located also in Houston, TX.

I began at Muse Air as an on line flight attendant. During my 4 years at Muse Air, I held several positions including flight attendant supervisor and manager of training and recruitment. With my last position being director of training and procedures.

As head of TranStar's training department, my primary responsibilities included coordinating and instructing flight attendant initial, recurrent, and security training.

With all of my experience, knowledge, and expertise gained throughout my 6 year airline career, I have traveled today from Houston, TX as a qualified witness on behalf of Southwest Airlines to impress upon you the important fact that H.R. 638 is unnecessary legislation which addresses a problem that not only does not exist at Southwest Airlines, but also disrupts flight attendant scheduling in such a way that my colleagues at Southwest Airlines will be forced to make quality of life changes which we are strongly opposed to.

Please allow me to elaborate.

At Southwest Airlines, our flight attendants are the most productive flight attendant work force in the way that we pay our people.

In spite of our high productivity, we do not have a problem with duty time and rest requirements. This is due to our contractual agreement with set requirements to ensure that a problem does not exist.

As stated in Southwest Airlines Transport Workers Union Agreement, Article 8, Section 5, pages 11 and 12, "a flight attendant cannot be scheduled for more than a 10½ hour duty day nor be required to remain on duty in excess of 12½ hours. In the event of an irregular operation, a flight attendant will be required to

remain on his or her sequence until the aircraft returns to the home domicile even if doing so requires the flight attendant to exceed his or her maximum duty hours."

Legislating duty time limits and rest requirements, which the contracts with Southwest Airlines already contain, has no impact on passenger safety.

As stated in Article 8, Section 7, page 12, of the Southwest Airlines Transport Workers Union Agreement, "flight attendants must have 10 hours crew rest block to block. Seven hours block to block may be scheduled when no more than two flights are scheduled following the rest period."

Furthermore, I understand there is no empirical evidence or past accident analysis that flight attendant fatigue has any negative impact on passenger safety.

As I stated earlier, I too fly as an active flight attendant and maintain current qualifications. Throughout my 6 year career, I have flown in excess of 2,000 hours and have incurred irregular operations which exceeded established duty limits.

I can personally testify that I have never suffered fatigue which has affected passenger safety. I have also discussed this issue with numerous flight attendants in our work force, and the overall consensus verifies my personal experience.

At Southwest Airlines, a serious disruption to flight attendant scheduling will occur if duty time limits and rest requirements are legislated rather than allowing individual carriers to set guidelines.

Again, this is unnecessary legislation addressing an issue that does not present a problem at Southwest Airlines.

Under the current scheduling system and work rules, Southwest flight attendants treasure the right to concentrate their flying so as to meet monthly obligations in as few days as possible, thereby increasing the number of free days per month.

Flexibility in scheduling is a very important element for Southwest Airlines flight attendants. Flight attendants of all seniorities are allowed to bunch their flying to accommodate their life styles.

Our work force consists of flight attendants that schedule activities on their days off. These activities include attending school, both graduate and under graduate, as well as accommodating their child care needs.

At least 10 percent of our flight attendant work force needs the flexibility to accommodate their families. I too appreciated the flexibility in arranging my monthly schedule to allow free time to travel and indulge in extracurricular activities.

In closing, I would like to stress to you that flight attendants in general, work hard and bargain hard for the right to schedule trips so as to maximize time at home with family and friends.

By legislating duty time limits and rest requirements, this will seriously disrupt the flight attendants work schedules.

Again, I have come before you today from Houston, TX on behalf of Southwest Airlines to stress to you that H.R. 638 is unnecessary legislation that addresses a problem that does not exist and one which we at Southwest Airlines oppose.

In closing, again, if you would allow me just a moment to make a comment that is not listed in my written testimony.

Before our afternoon break, the voting break, I was approached by a representative of the TWU who confirmed who I was and that he spoke to our TWU President today to confirm their position on the proposed legislation.

Out of concern, during the break, I telephoned our TWU President, Ms. Mary Rebella, who I know and work with very well, to advise her of this occurrence since the TWU represents our flight attendants.

She confirmed contact with the TWU representative, however, she stated that the Southwest Airlines union has not established a firm position one way or the other.

I can honestly tell you today that our flight attendants have not come forth regarding the establishment of flight attendant duty time.

They appear pleased with the opportunity to remain flexible in scheduling their work days and the opportunity to utilize collective bargaining agreements for such agreements.

Additionally, she knew I was testifying and expressed no dissatisfaction with that.

Thank you, and I will be happy to answer any questions at this time.

Mr. OBERSTAR. Thank you very much, Ms. Walker. I appreciate your testimony.

Now, Ms. McElroy.

Ms. MCELROY. Thank you, Mr. Chairman. I would like to offer an abbreviated version of my testimony today and ask that the full statement be included in the record.

Mr. OBERSTAR. Without objection, the entire statement will appear in the record and you may summarize.

Ms. MCELROY. Thank you very much. My name is Debbie McElroy, I am the Vice President in the Regional Airline Association.

Joining me today is Laura Frost, Manager, Flight Attendant Ground Instruction at Horizon Air, the nation's seventh largest regional airline based in Seattle, Washington. In her position, Laura on occasion also flies as a line flight attendant.

On behalf of RAA's 75 member air carriers, I appreciate the opportunity to present the prospective of the regional airline industry on H.R. 638.

Regional airlines provide safe, efficient air transportation connecting the nation's smaller cities to the major hub airports.

The industry transported over 35 million passengers last year and Horizon Air transported 1.4 million of these passengers.

Our members operate approximately 1,800 aircraft. The majority of which are propeller powered airplanes with fewer than 60 seats. However, some carriers also fly small jets in the 100 passenger range.

There are approximately 2,500 flight attendants in the regional airline industry according to RAA data. Flight attendants, as you know, are only required, on part 135, aircraft with 20 or more seats.

Consequently, flight attendants are employed on 27 percent of the aircraft operated by the regional industry. Regional airline flight attendants, like those of the major airlines, are dedicated safety professionals.

We recognize and appreciate the critical role these women and men play in the safe transportation of our passengers.

RAA is opposed to H.R. 638 because we do not believe there is a safety reason for Congress to interfere with the contractual relationship between flight attendants and air carriers.

Former FAA Administrator McArtor, in issuing the recent denial of flight attendant unions petitions requesting a rule making on this issue, stated that there was no evidence that flight attendant duty time limitations would advance passenger safety.

While we agree with that decision, we also want to emphasize that upon hearing today of the FAA's desire to revisit this rule, RAA members will assist the agency in their data gathering efforts.

Those favoring this legislation make the argument that duty limits are necessary because similar regulations exist for flight crew members.

We do not believe this proposition is valid. Pilots are in control of an aircraft critical flight system. Their duty time rules were established to address a clear safety concern.

Unlike the situation on the flight deck, no data exists to show that failure to effectively perform routine flight attendant safety duties causes accidents.

I want to impress upon you that regional airlines work very hard to ensure the safe transportation of our passengers. This legislation, we believe, is not safety driven but is economic reregulation.

Federal intervention into this area places limitations on the bargaining power of both labor and management and will ultimately reduce the scheduling flexibility enjoyed by many flight attendants in the regional airline industry.

They would not be able to maximize their flight time in a minimum number of days, if they desire or seek additional duty time to enhance their earnings. In some cases, they would be forced to work more days to retain their current salary.

From our discussions with industry flight attendants, it is clear that this legislation is not supported by all flight attendants in the industry because of the possible loss of these scheduling options.

Many regional carriers have more restrictive work rules than those contained in the bill, whether or not the flight attendant work force is unionized.

Currently, over 40 percent of the regional industry airline flight attendant work forces are represented by bargaining units and their duty requirements were set in contract agreements.

However, I want to emphasize that smaller regional airlines that do not have collective bargaining agreements must compete in the market place for their employees, effectively forcing these carriers to implement competitive work rules.

In conclusion, we see little or no justification for this legislation. We feel strongly that flight attendants should be allowed to continue to exercise the scheduling flexibility they have enjoyed for many years.

I thank you very much for your attention, and both Ms. Frost and myself will be happy to answer any questions the panel might have.

Mr. OBERSTAR. Thank you. You have spoken, I take it, for both yourself and Ms. Frost?

Ms. MCELROY. Yes.

Mr. OBERSTAR. Thank you for presenting the contrary view or view contrary to that of preceding flight attendants and flight attendant associations.

Mr. Coleman, I looked carefully through your written testimony and listened to your delivered remarks and did not find any reference to cost.

And yet, various airlines have cited cost as a factor in having a regulated flight duty time. That there would be costs associated with changing flight schedules and having somewhat a more structured, according-to-rule-making flight schedules.

So I would like you to address that issue of cost and how much of a concern that is. My recollection in discussions with at least one carrier said that to restructure their schedule according to the outlines of the Mineta bill could cost as much as $30 million.

And what might enter into such costs? What factors might enter into such costs?

Mr. COLEMAN. Thank you, sir. The first comment is that we did not mention cost in our testimony because we felt it was important to focus on the effectiveness of collective bargaining agreements to achieve mutually agreeable schedules and the fact that they appear to have worked well.

So we chose not to represent cost. We did not want to divert the attention from what we thought was a good system.

You have asked about cost and I think the figures you have may be correct although it is a very complex and difficult thing to nail down.

Mr. OBERSTAR. It varies from carrier to carrier?

Mr. COLEMAN. Yes, sir. I think it would be safe to estimate that the large carriers would expect an annual recurring cost of somewhere between $10 and $30 million.

The figures that would go into that cost would be the additional flight attendants that would be required to man the aircraft because of the increased rest time and the reduced, in some cases, duty requirements.

The other cost besides the fact you will have additional flight attendants would be the additional overnight layovers. This is a profound cost within the airlines when you have to have people staying over night at hotels and pay for transportation, and, of course, for the rooms.

And over an annual period, those costs can mount up substantially.

The industry has never been shy—they have been shy, but they have certainly embraced a lot of very expensive technical safety issues that have come along in the last few years that are going to be extremely expensive.

Such things as the collision avoidance systems, the wind shear detection system, the improved interior cabin materials. All of those have been extremely expensive.

There is good reason to embrace them and we continue to think there is good reason to embrace those and the carriers are, in fact, installing that equipment.

We do not see the same argument made for the Mineta bill in establishing duty times and rest requirements for flight attendants.

Mr. OBERSTAR. So that the principle of—there would be an initial cost of restructuring schedules and then you——

Mr. COLEMAN. A relatively modest cost there, but the recurring——

Mr. OBERSTAR. But the recurring annual cost of 10 to 30 million?

Mr. COLEMAN. Correct, for large carriers, sir.

Mr. OBERSTAR. Because of need for additional flight attendants, and the overnighting, and additional schedule cost?

Mr. COLEMAN. Schedule expenses, yes, sir.

Mr. OBERSTAR. I want to make sure we get that on the record. Should there be limits on flight and duty times imposed by any entity, Mr. Coleman?

Mr. COLEMAN. We think that that sorts itself out. We have made some references to it here. We think collective bargaining units or defined work rules if there is no bargaining unit have put caps on that.

And we also think that as Ms. McElroy stated, for a carrier to get out and attract people to come to work for their carriers as flight attendants and then retain them that they have a competitive market place that is going to have to offer attractive working conditions to get people there and to keep them there.

So I think that if there are no limits, if there are circumstances that there is no respect at all for the responsibilities of the flight attendant and their working conditions that a carrier could not operate.

Therefore, I believe that the marketplace creates a natural limit and also the previous precedence of working agreements.

Mr. OBERSTAR. But surely in the corporate planning process, there is thought given to the amount of time that a flight attendant, just as there is a certain amount of time for which the flight deck crew can be on duty and other personal who have duty limits, surely there has been some thought process about the amount of time that such personnel should be on active duty.

And is there some guideline within the industry to shape thinking on that matter? What we heard, and I want to refer back to earlier testimony, was that there is no pattern within the industry.

There is no standard, industry set standard that is, for flight times. Surely somebody has given some thought to that matter though that there are physical endurance limits apart from the flexibility issue.

And I acknowledge that flexibility is an attractive feature of any type of work arrangement.

Mr. COLEMAN. I think that if Mr. Broderick carries out his study, he will, in fact, find a very fairly narrow band of duty time and rest requirements in that the industry, where there is either a collective bargaining agreement or, in fact, some other work rule.

Mr. OBERSTAR. Well, I mean apart from the collective bargaining agreement or work rules, I want you to describe for the committee, the thinking of the industry about limitations on time.

Surely people have given that matter some thought.

Mr. COLEMAN. They have and schedules are built based on what—there is always limits when you build a schedule. You start out with a target——

Mr. OBERSTAR. What are the elements on which you build that? What are the factors you consider when you try to decide how much time should a flight attendant be on duty, whether it is flight time or duty time, whichever one of those two you choose.

They seem to have a technical dimension to them. But what are the factors that go into the thought process about how much time a flight attendant should be on duty for flight time or duty time?

Mr. COLEMAN. You make a determination as to what time of day the flight is going to leave, what sort of environment they are going to be working in, and if it is a long haul non-stop, if they have any sort of rest capability on the airplane, and what they are going to be doing when they get to the other end, and how much rest.

But as far as is there a specific number that you start out with? I think it is a reasonably arrived at number that does not have a particular value.

Mr. OBERSTAR. Well, you are suggesting then that there are some parameters? The parameters for flight and duty time are dependent upon time of day of the flight, the nature of the flight, destination of that flight, time zones crossed?

Mr. COLEMAN. Sometimes time zones, sometimes it would be whether it is a non-stop or multiple landing. Those are all factors you would put into determining what you would think would be a reasonable duty or flight time requirement or limit.

Mr. OBERSTAR. In the memory experience of the airline companies, is fatigue a consideration? What are the limits of fatigue under varying circumstances that go into determination of how much time or how many hours a person should be on?

If you do not want Government to set these standards, if you do not want the FAA to set standards, if you do not want legislation to set standards, then who does and what are the standards under which you operate, and how are they arrived at?

Ms. BALDWIN. All right. I can answer that for you for Delta Air Lines. And that is we have a vehicle where if there is working conditions that are fatiguing to flight attendants that they go back through their scheduling committee to the people who makeup our schedules. We meet with them once a month, and we tell them what does not seem to be workable. What comments, what feedback we have gotten from the flight attendants.

And we work to eliminate that. We are under RA schedule guidelines, but even within those schedule guidelines, if it meets all of those guidelines and it is still fatigue producing or undesirable flying, then when it is said so, we go in there and we change it.

And the company works with us very very well to let us change those.

Mr. OBERSTAR. On that point, does the company step in at some point and say, "Wait a minute. We think that you have got too much flexibility here. You are putting too much of a stress on yourself, too much of a workload. You are signing up for too many

hours in a row and we do not want you to do that. That is not healthy."

Ms. BALDWIN. No, they definitely say, "No, you cannot go above your limits, your schedule limits. You cannot schedule yourself above of your schedule limits."

And we do have limits that limit flight time, limit duty time, and the duty time is in 24 hour period rest times. They are all limited, and we cannot schedule ourselves above that limit.

Mr. OBERSTAR. All right, then just describe that company policy.

Ms. BALDWIN. The limitations, Mr. Chairman?

Mr. OBERSTAR. Yes, what are the limitations?

Ms. BALDWIN. They are varied, but we have limitations on duty periods that say you cannot schedule yourself or you cannot be scheduled over 13 hours on duty for a duty period before breaking that duty period by a minimum rest.

And that minimum rest varies. If it is away from your base, away from your home, then it is 9 hours free of duty. If it is at your home, then it is 10 hours free of duty.

Are we still together? Okay.

Mr. OBERSTAR. Now, how many hours on before you get to the point of saying 9 hours rest or 13 hours rest?

Ms. BALDWIN. You cannot be scheduled for over 13. If you have an irregular operation, they could reschedule you to 15. At 16 hours, you are not required to be on duty at all. You may not continue to work at all until you get your minimum rest break.

So you cannot be scheduled over 13. When these delays occur, the mechanical occurs, the inclement weather occur, you can be rescheduled at that point to 15.

Mr. OBERSTAR. In taking the experience, my notes of previous testimony, a flight attendant who had 18 hours and only 6 hours sleep that in that 18 hour period, under Delta rules that you are describing, at 13 hours of continuing service, the company would have said, "Stop, you go someplace and rest"?

Ms. BALDWIN. The company would have originally scheduled that person at 13 or below hours. When all of that occurred, the company could schedule that person up to 15 hours.

That person could not get up to 18 hours because at 16, they may come off. They are not required to go beyond 16.

Mr. OBERSTAR. Well, not required and not pushed beyond 16 is two different things. At the 16th hour, does the company say, "Stop, you get off the plane, you get off duty, you go to a hotel and rest somewhere"?

Just in the practical world of this thing, how does it work?

Ms. BALDWIN. In the practical world, the flight attendant is given the choice at that point whether they want to come off or not. And they come off. I do not think that person who was working 18 hours was choosing to go over, but we do not go, you know,—at 16 hours you have a choice to come off. They do not say you have to go on.

Mr. OBERSTAR. I will have further questions later. At this point I am going to yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Coleman, did I understand your testimony correctly that you feel this would hit most adversely on the smaller airlines?

Mr. COLEMAN. That was not part of the testimony, no, sir. I suggested that the smaller airlines have fewer union representations that is what my point was, and that this perhaps was aimed at them because we feel that all the other carriers have either contractual—some contractual arrangement that may end up affecting them, but they have a very small part of the revenue passenger miles.

Mr. DUNCAN. And it is true, is it not, from your testimony and others that there is no empirical data? No studies have been done to show that this adversely affects safety at this time; is that correct?

Mr. COLEMAN. The absence of flight and duty time rules, that is correct.

Mr. DUNCAN. And if I understand correctly, the FAA is presently studying these; is that correct?

Mr. COLEMAN. They announced this morning or early this afternoon that they intended to embark on a study, yes, sir.

Mr. DUNCAN. So what you are saying is basically that this is a matter that should be left to the free enterprise system and the collective bargaining process rather than be legislated here in the Congress?

Mr. COLEMAN. That is correct, sir.

Mr. DUNCAN. Ms. Baldwin, you said that you have been a Delta attendant for 23 years; is that right?

Ms. BALDWIN. Yes, sir.

Mr. DUNCAN. And you are co-chairman of the flight attendants scheduling committee?

Ms. BALDWIN. I am chairperson for the flight attendant scheduling committee in Miami/Fort Lauderdale.

Mr. DUNCAN. And you feel this is a labor management problem rather than a safety problem; is that correct?

Ms. BALDWIN. I think that it is being handled very well through labor management, through working agreements between us.

Mr. DUNCAN. So what you are basically saying is that you feel that flight attendants such as yourself have sense enough to set your own schedules and work those out with your employers without the Federal Government coming in telling you how much time you can work; is that correct?

Ms. BALDWIN. I am saying that the schedule policy we have in place right now is not excessive and that I agree with it. And I think that it has been worked out over the years for our flight attendants and that it does meet the needs that we need to have a healthy agreeable work environment.

And that I do not see any reason to change these work rules. That they do work very well for us. And that we were able to do it through flight attendant input, considerable flight attendant input working with our company.

Mr. DUNCAN. Do you agree with Ms. Walker's testimony that this is legislation for a problem that does not exist?

Ms. BALDWIN. Mr. Congressman, I can only answer this for Delta Air Lines and more specifically for myself. And for myself, as a Delta Air Lines flight attendant with 23 years behind me, it does not exist.

Mr. DUNCAN. Ms. McElroy, what would you say about that?

Ms. MCELROY. The information that I have been able to obtain from a survey of carriers is, in fact, that we do not see that the problem exist, that it is being addressed.

The issue of flight and duty time is addressed through either collective bargaining agreements or through work rules set between the carriers and the flight attendants.

Mr. DUNCAN. All right. Thank you very much.

Mr. OBERSTAR. Thank you. Gentleman from Texas, Mr. Laughlin.

Mr. LAUGHLIN. Ms. Baldwin, over the recent years, Delta Airlines has enjoyed probably the best reputation for its management and labor relations between the company, and the flight attendants, and pilots, people that work for them.

It seems to me that if all the airlines that fly in the United States operate like Delta, we probably would not even be here hearing any complaints or any rules.

And I say that from the viewpoint I have cashed in 150,000 miles on one occasion with Delta and approaching that again, but out of Houston, you all have almost abandoned us and that is the way many of us feel.

So I am not accumulating them very fast anymore.

But it seems to me that these problems we have been hearing today do not apply to your airline. Would you agree to that?

Ms. BALDWIN. I will agree to, no, they do not apply to my airline; but if you had House Resolution 638, that would apply to my airline and that is what I am here disagreeing about. I do not want that.

Mr. LAUGHLIN. Were any of the witnesses that testified in the panel that suggested that the flight attendants need relief, from Delta or do you know?

Ms. BALDWIN. I did not recognize any of them. I do not know if they are, but I did not recognize any of them.

Mr. LAUGHLIN. Do you know if the company gave any of them the same opportunity you were given to come testify in support of this bill?

Ms. BALDWIN. Congressman, I cannot answer that. I do not know.

Mr. LAUGHLIN. I appreciate your seniority. I hope I am here long enough to have some myself. I am a freshman Congressman.

Do the freshman flight attendants have the same flexibility with their hours that you have?

Ms. BALDWIN. The junior flight attendants, as we call them, the freshman flight attendants, are limited in their flexibility more so than I simply because they do work more days per month than I do to get in the same amount of flight hours.

The more senior, the more desirous the work schedule is—a work schedule that maximizes the time on duty and maximizes the time off. And it is directly related to your work schedule.

If you work less days, you are probably more senior. If you work more days, you are less senior, you are more junior and you do not enjoy the same flexibility because you do not have as many off periods at home to work around.

Mr. LAUGHLIN. I did not hear the number of years of employment of all the flight attendants that testified, but it sounded like the ones I heard had been working a year to 2½ years. Did you hear that testimony?

Ms. BALDWIN. I heard up to 7 years, but most of them were a year and a year and a half. Yes, I heard that as well.

Mr. LAUGHLIN. And the testimony about the problems of long work hours, particularly the lady that tried to fly for about a half a day from Los Angeles and finally got to Newark as it strikes out and the lady that was seated over here on the end whose plane, on about the third day, was struck with lightning. Do you recall that, too?

Ms. BALDWIN. Yes, sir.

Mr. LAUGHLIN. Now, I do not want to talk about the incident of the lightning, but those kind of hours, is it, in your 23 years experience with Delta, encountered flight attendants who have worked those kind of hours?

Ms. BALDWIN. Congressman, in all honesty, as a flight attendant and as a scheduling supervisor for 6 years, no, I do not encounter that. That would be extremely rare.

Mr. LAUGHLIN. And I am talking about at Delta is what I am talking about.

Ms. BALDWIN. At Delta.

Mr. LAUGHLIN. Do you know of any other—and I was impressed why the procedure and perhaps that is why Delta makes quite a bit of money and they should, with the procedure where you and other people get the opportunity to have input on fatiguing activities.

Do you know of any other airline, U.S. carrier, that has the same input from or permits the same input from its employees?

Ms. BALDWIN. I do not have any means except for talking to individual flight attendants that are friends of other airlines, I have no means of knowing what the conditions are or what vehicles they have in their other airlines.

I am sorry.

Mr. LAUGHLIN. In talking to friends who fly for other carriers, have you even heard a whisper that their air carriers permit such input on fatiguing conditions?

Ms. BALDWIN. I honestly have not talked to them about it.

Mr. LAUGHLIN. All right.

Mr. COLEMAN. Excuse me, Congressman Laughlin.

Mr. LAUGHLIN. Yes.

Mr. COLEMAN. Ms. Walker could comment on that if you would like.

Mr. LAUGHLIN. Sure.

Ms. WALKER. I would like to just add that in support of her statement, is that at Southwest Airlines, one reason that I am here today is to share with you that in regards to this particular proposed legislation, we want to let you know that at Southwest Airlines, the reason the problems do not exist is because the unique relationship that we have with the union representatives.

And as I stated earlier, in talking with our union President, if there was a problem, we would be aware of it. And as the manager for a base of 500 flight attendants, I speak with and work with them daily.

And any concerns that are expressed, we do try to work those concerns out with the group. So if there was a situation or situations regarding fatigue and extended duty days, we certainly would address that issue.

Mr. LAUGHLIN. Ms. Walker, I would suggest that more management of carriers come listen to you and Ms. Baldwin.

The last thing, Ms. Baldwin, I would say is when you go back to Atlanta and make your report, tell them that I was in a meeting earlier today with some business men from Houston who were complaining about the cutback in your service.

Ms. BALDWIN. I will be sure and do that, Mr. Congressman.

Mr. LAUGHLIN. Ms. McElroy, in your testimony, you talked about 27 percent of the aircraft flying in the association or in the industry that your association serves has flight attendants. Apparently the other 73 percent do not; is that correct?

Ms. MCELROY. Yes, sir, that is correct. And that is the nature of the equipment.

Mr. LAUGHLIN. Would you recommend that this legislation exempt from this legislation those planes that do not meet the requirement or that the regional carriers be exempt? Is that what you are recommending in that testimony?

Ms. MCELROY. No, sir, we strongly believe that the legislation is not necessary because the flight and duty concerns are addressed just as they are in the major airlines through either collective bargaining agreements or through work rules that are set within the company.

We have the benefit in our industry of having a smaller number of flight attendants simply because the operations are much smaller than the major airlines and there is a great deal of interaction in many cases between the management and the in-flight manager and the flight attendants.

And so if there were problems, I think that those would be very quickly brought to the attention of the people involved. You know, if there was a problem, the solution would be attended to very quickly.

The nature of our operations is the fact that a lot of the services are provided in 19 seat aircraft, and by statute, 19 seat aircraft are not required to have a flight attendant.

Mr. LAUGHLIN. So at 73 percent of your industry that you represent is not even covered by the proposed statute?

Ms. MCELROY. That is correct, sir.

Mr. LAUGHLIN. And are you recommending that the other 23 percent, if this legislation moves forward, be excluded?

Ms. MCELROY. I think that is something we would have to consider later on because we are still amassing data on the economic impact of it. But, again, I wish to stress that we do not think that H.R. 638 is necessary for any of the industry be it major or regional airlines.

Mr. LAUGHLIN. That is all the questions I have. I thank each of you for being here. Your testimony and information has been very helpful. Thank you.

Mr. OBERSTAR. Thank you gentleman. Gentleman from Pennsylvania, Mr. Clinger.

Mr. CLINGER. Thank you very much, Mr. Chairman. I am sorry I was not here to hear all of your testimony but I have had an opportunity to review it and I just had a couple of questions.

The witnesses this morning, the ones that we have heard from who were supporting the legislation, I think in every case indicated

that the airline which they represented or worked for did have work rules that would be perhaps more stringent than would be involved in this bill.

And their argument was that they were really concerned about those airlines, those operations, where there were no such rules. That there could be violations which would lead to safety considerations.

How would you respond to that. I know their position was that we needed to have some uniformity. You have all testified that you have very good situations, that you feel that the work rules you have ensures safety of the passengers and so forth.

But what about those airlines where for whatever reasons they do not have any kind of restraints on how long flight attendants can be required to work?

Is there some justification then for saying we should go ahead with establishing some minimum basis or minimum level of adequacy for work rules?

And I do not care who answers.

Mr. COLEMAN. I would comment, sir, that there are, in fact, very few carriers that are operating that do not have either a collective bargaining agreement work rule or other defined work rules through a committee.

I think I would be interested to hear what Mr. Broderick said in his statement that if, in fact, they did a study and they found that they had to provide very precise attention to some areas as opposed to only broad attention, then that might be what is necessary.

And what you may be asking is that perhaps the results of the study will be that there is a very small part of the industry out there that needs some attention.

But the whole industry would be captured by this proposed legislation and we find it is not appropriate.

Ms. WALKER. Additionally, with those carriers that do not have the agreements and nor company policies and we would certainly perhaps like to encourage those individuals to try to work with their company, the management there to try to establish set guidelines and/or arrange collective bargaining agreements.

Mr. CLINGER. Well, the FAA does mandate standards for flight time for pilots and others as a safety measure, why should not the FAA do the same thing for flight attendants?

If we are talking about safety, right? I gather what you are saying is that you do not see this as a safety issue, you see it more as a work place issue?

Mr. COLEMAN. That is correct. And we would like to continue to reinforce the view that the flight attendants are on board because of a safety requirement and required safety duties, and that is what the FARs require.

And that they do have safety duties. We put them in a different category than the pilots because of the pilots actual manipulation of the aircraft as opposed to the flight attendants who have critical safety duties in preparation for departure and hopefully if everything goes well that they will not be called upon to do other things in route.

But they do have responsible safety duties. But we do put them in a different category than pilots. The pilot rules, when they were

established in the 1930s, were, in fact, a result of abusive policies on the part of people who owned the companies and were flying the pilots in fatigued conditions.

And that was the evolution of the pilot rules and there were accidents. We do not see that as being analogous to this particular situation.

Mr. CLINGER. I gather what we would be looking for in data collection effort which the FAA is going to undertake here over the next few months is to make or disprove the connection between flight attendant hours and safety.

If, in fact, safety is jeopardized because there is no uniformity or no minimum standards by which flight attendants of course work.

What kind of data do you think they should be looking for? Who should they be talking to to prove or disprove?

Mr. COLEMAN. The one example that Mr. Broderick cited was they had one item that had been served to the docket with a 6 month narrative of a particular flight attendant's experience and they did an analysis of that to find out just how many days per week were worked, how many hours per day, and how many duty hours per week.

And also how many days worked per month. And his focus seemed to be to get that kind of data, that is to find out what the nominal schedules are among particular flight attendants within different airlines.

And then do an analysis to see whether it would support the fact that a reasonable man would presume that that kind of sustained schedule would produce fatigue or some degradation of safety.

I presume that it is what he is going to do only because he cited it as an example.

Mr. CLINGER. Now, all of you have indicated that you do have standards set in your airline for operations. Are there occasions when you are required or had to exceed the hours of duty time or have been short changed in the hours of rest time?

And, if so, is that a common practice? Does it happen only rarely or often? How would you respond?

Ms. BALDWIN. Well, Congressman Clinger, as you know, I have been flying for over 20 years and I would say there was one time, so far, and now there is no way I think that this could happen, but one time I went over 20 hours and that is because we got into a situation where we were in a small town with no way of replacing us.

The weather was fogged in. We could not take off. We had all the passengers. We opened up the airport—it was in the middle of the night, we opened up the airport cafeteria and we continued to serve them.

And we continued to take care of them until we could take off again.

Mr. CLINGER. That was one time?

Ms. BALDWIN. That was one time in all those years.

Mr. CLINGER. Anybody else?

Ms. FROST. I have been employed for 5 years as a flight attendant at Horizon Air and I can think of two instances where I had not exceeded but I have gone to the maximum limit of 16 hours that we have as our policy.

And both of those were——

Mr. CLINGER. But not exceeded?

Ms. FROST. Not exceeded. And both of those were due to irregular operations. One was a mechanical problem and the other was related to weather.

Mr. CLINGER. Just as a hypothetical, could you assume that we have a crisis situation and you have been on duty for 18, 19 hours and the plane crash lands, fire starts, you have to get the chutes out.

You do not feel that the fact that you might have been on duty for a long period of time might affect your ability to get those chutes out and get the passengers out of the plane?

Are there not some situations where there could indeed be some safety considerations that could be affected by it?

Ms. BALDWIN. I welcome that question. I am highly trained, and I am a safety professional, and I will respond the way I have been trained.

I do not think my alertness, my proficiency, my ability to carry out my duties at that point will be affected by anything other than my urgency and my training to do what I am supposed to do to assure your safety.

Mr. CLINGER. One of the witnesses this morning talked about the different pressures that were on attendants in the smaller airlines, in the smaller planes, with the problems of pressurization, turbulence, having to take care of sick passengers more often than others. If we are talking about standards, would you think that there should be a different standard, for example, for attendants on the smaller planes because of the higher degree of stress and turmoil that you go through?

Ms. MCELROY. Well, I think Ms. Frost is more able to address what actually occurs in the cabin, but we do not feel that there is a need for H.R. 638 because we believe those issues are already being addressed within the carrier in the labor management relationship.

So, therefore, there would not be a need for different standards. Clearly, the environment is different. The nature of our operations are different.

But, again, one of the benefits of having a smaller work force is that there is more interaction and there is more of the opportunity for the flight attendants to have contact with both the in-flight manager and the managers, the CEO of that airline.

Mr. CLINGER. Ms. Frost?

Ms. FROST. I feel that there may be a need. I realize and recognize the differences in the operations between a major and a regional carrier.

And I think that this dictates the fact that we need to consider the possibility of not having one standard set for the entire airline industry, all the airlines that are governed by the Federal Aviation Administration.

I believe maybe we need to open our eyes to that fact and continue to specialize in our own companies and handle it on our own as we do presently.

Mr. CLINGER. Anybody else?

[No response.]

Mr. CLINGER. Thank you very much, Mr. Chairman.

Mr. OBERSTAR. Thank you. Gentleman from California, Mr. Mineta.

Mr. MINETA. Mr. Chairman, I apologize for having been absent here for a couple of hours because of some other conflicting meetings, but I have no questions.

I want to thank the panel for being here.

Mr. OBERSTAR. I would like to come back to a couple of points. First of all, in trucking, truckers, truck drivers are required to have a mandatory 8 hour rest period before undertaking another job.

Why is that any different from flight attendants? Should not there be some mandatory rest period?

Ms. BALDWIN. There is. You mean mandatory by law or mandatory by the—regulated within the company itself?

Mr. OBERSTAR. Why does it vary from company to company? Why are there so many rules and differentiations among companies? Why is not there a standard within the industry?

Ms. WALKER. I think once again, Mr. Chairman, in answer to that, because of the different needs perhaps for the larger carriers and the smaller carriers, we do——

Mr. OBERSTAR. Yes, but among the larger carriers there does not seem to be any standardization.

Ms. WALKER. I think that is because the carriers with the collective bargaining agreements have just—depending on their particular types of needs.

For instance, Southwest Airlines does not fly international flights, so that the provisions that may apply for those carriers are certainly different from our carrier.

Whereas we do have set rest requirements as well as set duty time requirements.

Mr. OBERSTAR. But I think, Ms. Baldwin, your testimony is suggesting that, oh, yes, at irregular times, irregular moments, some unusual thing happens and someone may be pushed beyond that time limit.

We heard testimony earlier today and just random experience flying over 20 something years myself, that happens with more than casual frequency.

I mean, I talk to people practically every weekend who are stressed. They are fatigued. They are pushed to what they feel are their limits.

Now, I am not saying that they are pushed beyond whatever the company limit is. Although I know on more than occasion that happens.

But we have a spread here from Delta Air Lines with its policy to Galaxy Airlines on the other end, which, of course, is no longer a carrier, thank God. They have risked too many lives and killed too many people to begin with.

But there is just this wide variation. And I know that there are situations that occur. And it is precisely in those situations when you are called upon to be at your most alert when you are most fatigued and most stressed.

Now, I am very heartened to know that you are a super flight attendant, and that your training and your years of experience

permit you to say that you will be able to handle any situation that may arise no matter how fatigued you are.

But I think it is just human to expect people are not going to be at their most alert when they are most fatigued.

Ms. BALDWIN. I, in no way, meant to say that I was super human or that I can do anything over and above anybody else, at all.

I am saying that I feel that I will perform with proficiency and professionally, those safety required duties and perform in any safety emergency.

Mr. OBERSTAR. Sure. I think people do heroic things under the most demanding of circumstances. But I do not think that the person should be put into those circumstances, allowed to be in those circumstances when they are fatigued, stressed.

Ms. BALDWIN. Mr. Chairman, in my work environment, when someone feels that way, we have an on duty supervisor 24 hours a day and we all have that phone call.

And we call that supervisor and we have that situation taken care of. So I cannot tell you that we are pushed to that.

Mr. OBERSTAR. That may be an exemplary carrier service. We heard testimony earlier today that says that it is not so with other carriers.

We heard flight attendants say they are put on suspension for wanting relief.

Ms. BALDWIN. I understand that, but for all the years that we have worked to make what we are calling a very desirable work environment, and by no means is it undesirable.

I like my work environment and I like being on that plane. And I like doing my work very much. And I appreciate the fact and have worked very hard to get to this position.

I just do not think that I need to be regulated out of it for a perceived safety risk that I do not feel exists.

In other words, my airline, yes, is taking care of it. But you will erase also a lot of desirable flying for me by regulating it.

Mr. OBERSTAR. That is true in your case. But what about all those other junior flight attendants who are sacrificing so that you can have a very desirable flight schedule?

Ms. BALDWIN. No, they are not sacrificing.

Mr. OBERSTAR. Well, you just told Mr. Laughlin earlier that the junior flight attendants have to work more days and more hours in order to get the time in that you as a senior flight attendant enjoy because of your senior status.

Ms. BALDWIN. That is correct. And that is because we have made maximum time in our work rules and maximum time off on our time off. So that makes it more desirable.

As a matter of fact, H.R. 638 would put me closer to flying what the junior flight attendants are flying, not the other way around.

The seniority works as they get more senior, they fly the more desirable flights. They are looking to fly what I am flying, too.

H.R. 638 would, in fact, not help them out because there would not be that flying available for them. We would all be back to flying what they are flying now which is more duty days per month for the same amount of flying.

Mr. OBERSTAR. Well, seniority works in the Congress. A lot of people have senior positions.

Mr. MINETA. The longer I am here, Mr. Chairman, the better it looks.

Mr. OBERSTAR. The better it looks—that is right!

[Laughter.]

Mr. OBERSTAR. And the more hours you get to sit in the chair while junior members do not attend hearings.

[Laughter.]

Mr. OBERSTAR. And I think the same thing is operating here. I want to, and I will recognize the gentleman in a moment, but I want to follow up on this point with Ms. Walker.

From your testimony you said, "I can personally testify I have never suffered fatigue which has affected passenger safety."

But the question behind that is was passenger safety ever tested in any of those situations in which you have been fatigued?

Has there been stressed occurrence, incident, an on the ground incursion, an accident in which you were called upon to perform on behalf of safety when you were exhausted?

Ms. WALKER. Mr. Chairman, no, there has not been. I have flown during irregular operations and just as was stated earlier, I cannot testify how I feel I will in an emergency but I do feel strongly because of the training that I would be able to react.

Mr. OBERSTAR. Sure, I do just have great confidence in flight attendants. You know, we put our, lives and our safety, and our comfort in your hands and in the pilot's hands on all the rest.

But you are the most immediate contact. We have great confidence in you. But flight attendant service should not be marine corps boot camp as we heard earlier.

Ms. WALKER. And to comment on that, yes, the earlier testimony, I think those, more so, cases perhaps have occurred.

However, I think more often than not, if I could sit here and probably recite cases to the contrary. And, therefore, the image that perhaps was portrayed with the boot camp is not necessarily the case at all airlines.

Mr. OBERSTAR. Gentleman from California? Mr. Mineta, I yield at this point.

Mr. MINETA. Thank you. If I might ask, what would be, looking at H.R. 638, what is the cheese that is binding? The duty time limitations or the number of hours of rest?

Mr. COLEMAN. They are completely intertwined. As you have learned today, there are few things that are more complex than crew scheduling. They are extremely complex to get crews connected——

Mr. MINETA. Legislative scheduling in the House of Representatives.

[Laughter.]

Mr. CLINGER. I think they do a better job at it.

Mr. MINETA. Yes, that is right. I think you do a better job at it.

[Laughter.]

Mr. COLEMAN. It is difficult to assess that. I think that what is binding here is the fact that the collective bargaining agreements and the compromises that the work force makes with their air carrier, with their kind of operation, is one that evolved as they brought on new airplanes, and taken on new routes, and brought on people.

And it is one that works for them. We think it works well and the evidence supports it. And to have some limitations imposed through a legislative initiative that becomes a regulation, it is hard to identify what is more binding.

But I believe that just the existence of some artificial limitations that do not appear to most of us——

Mr. MINETA. No, my question is the other way around. The legislation says that if FAA does not do it, then the fall back is what is in H.R. 638.

But to the extent that FAA DOT feels that this is something that ought to be done, they ought to really do it through the normal rule making process.

Mr. COLEMAN. Yes, sir.

Mr. MINETA. They thought about it enough that they even came up with a set of draft regulations. There are all kinds of things that may be in that draft that may not be good or desirable.

But at least they thought that maybe it is worth considering. And they had an NPRM to that extent.

Mr. COLEMAN. I think if we took either that piece of draft that did not see the light of day, as far as we are concerned, or your legislation and gave it to a dozen carriers, they would probably have different priorities as to what they would find restrictive in each one of them.

Whether it was the 1 hour rest in the 8 hour flight or the requirement for the rest or the 14 and 16 or 20 hour duty limit.

Mr. MINETA. What I hear people saying right now is, "As I look at this legislation, I am going to be short changing myself in terms of convenience because there are going to be certain duty time limitations being imposed. And, especially, the rest requirements may not allow me to schedule for my own convenience, maximum number of hours and the least amount of time period for my own convenience."

Now, that speaks nothing of safety at all. That does not speak to safety. That speaks to your convenience. That is not what this game is all about.

This game is all about safety for the passenger. And I will be doggoned if I want to be sitting in a steel enclosed or aluminum tube with someone who is going to be too tired to be able to do something in response to an emergency.

Maybe in your lifetime of your employment you have not put to the test. Have you ever been in a crash, have you ever been in a crash, have you ever been in a crash?

I did not think that that is the test. But that is what might have to be considered in terms of this rule. It is not your convenience as to whether I get to spend more time with my family, the fact that I am going to have spend 3 days out and not be back because I have got 10 hours of rest I have to put in somewhere.

It is safety. It is the ability of the person who has the responsibility in that tube to be able to respond to an emergency.

And I do not expect that if you are too tired and as someone said, when the airplane was hit by lightning they were too tired to react.

That to me is alarming. Who is going to respond? The blind person in the exit isle next to the window exit? I do not think that is what we are looking to.

That is why I think something has to be done. You are with a very fine carrier, Ms. Baldwin. You are with a very fine carrier. I would be proud to be associated with Delta.

But I will tell you there are some carriers in your industry I would not want to be near. And there are some 30,000 people working with some of these, one of them.

And the kinds of duty time rules and the work rules they have to go through without any employment benefits and stuff, I do not know frankly how they retain them but they do.

But it is for those who are unrepresented and especially for the safety of the system.

I guess it is not a question. Thank you very much, Mr. Chairman.

[Applause from the audience.]

Mr. OBERSTAR. No responses from the audience. The rules of the committee are similar to the rules of the House.

Gentleman from Pennsylvania?

Mr. CLINGER. No more questions.

Mr. OBERSTAR. I have just one final observation before we conclude and that is Ms. McElroy, your statement on behalf of the Regional Airline Association. I do not know what page it is.

You say the association is opposed to H.R. 638 because quote, we do not believe there is a legitimate safety reason for Congress to interfere with the contractual relationship between flight attendants and air carriers.

Thinking back through my recollections, that is almost verbatim. Certainly in spirit. The argument that the steel industry used in a full page add in 1910, opposing the 8 hour work day.

Workers do not want it. It is not in the best interest of worker health and safety. And we can work these things out with contracts.

That is 79 years ago. That is not 1980s thinking. I think there are broader concerns, broader issues. I do not think that the matter of flight time and duty time can be dismissed as simply a convenience or flexibility issue; or simply one that should be left only to negotiations, contractual relationships or to ever-changing company policy from company to another.

I think this is a matter that like other factors that Congress has in the past regulated, that the Government agencies have, with their authority, regulated in the past, deserves to have some standards set.

Standards with some flexibility in them, but standards that are common to all carriers with respect for the differences between majors, and nationals, and regionals, and commuters.

I understand the differences and the distinctions that exist. But I think we are past 1910. We are in a time when stress is real, fatigue is present.

It interferes with a person's ability to perform at their best. And when you are called upon to perform to your highest is usually the time of greatest crisis.

The Chinese character for hope is one that includes both crisis and opportunity. And we are at that stage. There is opportunity here to do something really useful.

The FAA is about to embark on a rather large venture with a tight time frame. Spurred only, I think, by the pressure of the legislation in the hearing that forced them to rethink their position of January, rethink this issue in terms of its impact upon people and upon safety.

In my view, flight attendants are the front line of safety. Standards should be set on a higher plane than now exists in this industry. And one that has some objective basis, one that has some uniformity, and that first recognizes the responsibility of flight attendants as passengers board. And for whom they are ultimately responsible in time of crisis.

I thank you very much for being witness here today and we take very seriously the comments and observations that you have made.

And we will proceed further with this legislation at a later date.

Mr. COLEMAN. Thank you, Mr. Chairman.

Ms. BALDWIN. Thank you.

[Mr. Coleman's, Ms. Baldwin's, Ms. Walker's, and Ms. McElroy's statements follow:]

Statement of Walter S. Coleman
Assistant Vice President - Operations
Air Transport Association of America
Before the Aviation Subcommittee
Public Works and Transportation Committee
U.S. House of Representatives
May 17, 1989

I am Walter S. Coleman, Assistant Vice President - Operations for the Air Transport Association of America. On behalf of our member carriers I would like to thank you for the opportunity to appear here today to explain our serious concerns, and opposition to, H.R. 638.

Before I comment on the bill, I would emphasize that the carriers recognize the integral and critical role of flight attendants in the conduct of safe air carrier operations and their contribution in delivering the best possible product to the public. Their professionalism and dedication to the safety imperative are acknowledged and appreciated.

This bill, as you know, would require the Secretary of Transportation to undertake a rulemaking to establish duty time limitations and rest requirements for flight attendants. In the event of a failure by the Secretary to commence such a rulemaking within 60 days of enactment, or to complete a final rule within 240 days, the legislation would impose "Mandated Prohibitions" establishing legislatively specified duty time limitations and rest requirements. In the event such "Mandated Prohibitions" went into effect, they could be modified by subsequent safety rulemaking, but only after a 90 day advance

notice of such modification to the House and Senate transportation oversight committees.

Proponents of duty time limits and rest requirements for flight attendants frequently cite as justification the existence of such regulations for pilots and they suggest that the safety responsibilities of flight attendants require similar regulations. The safety duties involved, however, are profoundly different.

The pilots are in control of the airplane's flight path and its systems. They must manipulate controls and monitor or manage critical systems such as fuel and cabin pressurization. Their duties cause them to be the continuing critical link in the operation of the airplane. As noted previously, flight attendants do have a safety role in the operation but it is one which is qualitatively different from the pilots' actual operation of the airplane.

H.R. 638 was introduced on January 24, 1989, the day after former FAA Administrator McArtor issued a denial of two petitions from flight attendant organizations. The petitions sought an FAA rulemaking on flight attendant duty time. As Administrator McArtor noted, even the union petitioners agreed that there was no "empirical evidence that shows any correlation between flight attendant duty time, flight attendant safety duties and risk to passengers." The denial further states "There is no showing that the unrelated instances cited in a few comments of lengthy flight attendant duty time either were the result of work rules mandated by the

company, or were systemic throughout the industry. Nor was there a showing that these instances had an adverse impact on safety".

These are the facts as identified by the government's leading aviation safety experts after a thorough examination of the subject. There is, quite simply, no evidence indicating that public safety would benefit from a legislatively mandated rulemaking or legislatively imposed rule. Under these circumstances, we would submit, that such legislative intervention would be inappropriate.

Proponents of H.R. 638 assert that there has been considerable disregard for safety by airlines because of unreasonable duty time and rest requirements. This is incorrect. The current industry safety record with regard to flight attendant duty times is very clear. Over the more than sixty years that flight attendants have been part of the air transportation system, not one accident or incident has occured in which the performance of a flight attendant was alleged to be inadequate due to fatigue. To the contrary, outstanding flight attendant performance is reported in virtually all recorded emergency situations. Is this a record which calls out to Congress for legislative intervention? We believe the answer again is clearly that it does not.

The ATA member airlines are of the view that flight attendant duty limits and rest requirements are not safety issues as alleged but rather issues properly and historically addressed in negotiations between the air carriers and their

flight attendants. In promoting this legislation, unfortunately, certain organizations are, inappropriately, seeking to gain what they perceive to be a bargaining advantage in this process.

ATA member carriers account for more than 96 percent of the revenue passenger miles flown in the United States - as well as a significant share of international travel. Each carriers' operations and needs are significantly different. For example, the logistics of running a shuttle type operation vary dramatically from transcontinental and intercontinental operations. As a result, each carrier, along with its flight attendants, has developed a highly specialized contract or set of work rules to meet the particular requirements of both labor and management. These contracts have evolved in a natural progression over the past sixty years. The process defines everything from monthly maximum flying time through the timing of "wake-up" calls for flight attendants following rest periods away from their domiciles. To say that these contracts and work rule agreements are not the subject of prolonged and serious negotiation would be a profound misstatement.

As we stated earlier, ATA member airlines fly 96% of the revenue passenger miles. All of our member airlines have contracts or defined work rules, most of which are the result of collective bargaining agreements. Many other large and small carriers who are not members of ATA also have contracts or defined work rules, several of which are also the result of collective bargaining. These contracts and defined work rules

already include duty time limits and rest requirements. To whom then is the bill addressed? When you combine the total revenue passenger miles of these ATA and non-ATA members, only the smaller airlines, who represent 1% of the total revenue passenger miles, will be directly affected by the bill. Why enact a law without a clear safety basis that impacts such a small percentage of the industry?

A key area of industry concern regarding H.R. 638 is the issue of scheduling. While it is difficult to generalize, I would like to provide some background on a typical flight attendant's monthly scheduling process. Most flight attendants work approximately twelve to fifteen days a month flying roughly six to seven hours per work day. The remaining fifteen to eighteen days are free of duty. Schedules are normally developed by the carrier and reviewed by a union or flight attendant group scheduling committee. In order to maximize time off, a high value is placed by many flight attendants upon trips which maximize flying time in a minimum number of days. In fact, in some contract negotiations, flight attendants have sought the right to concentrate their flying. Furthermore, as in any industry, it is not uncommon for a flight attendant to seek additional duty time in order to enhance earnings. H.R. 638 would limit flight attendants from flying extra hours to earn extra money and it would reduce some options and flexibility which many flight attendants find attractive. In other words, not all flight attendants benefit from H.R. 638.

If the organizations supporting H.R. 638 succeed in promoting such an unjustified and inappropriate exercise of governmental authority, they would in the long run serve neither their own interests nor those of individual flight attendants. For example, consider the complex team effort required to deliver meal service on a full 747 crossing the Atlantic. An unplanned weather or air traffic delay of an hour or so would present a logistical nightmare as all flight attendants would eventually be forced to meet rest requirements at a critical service time. The primary victims in this case would be the flight attendants who are not resting but trying to provide services to passengers.

Mr. Chairman, no matter how structured, federal intervention would place limits on the bargaining power of both labor and management - and reduce their flexibility in negotiating contracts responsive to the specialized needs and desires of airlines and their employees. The rigid imposition of duty limits and rest requirements would eliminate the flexibility necessary to deal with ever changing demands and desires - and negate these "living" agreements developed through the healthy exchange of views between labor and management.

We know there are flight attendants who fly the line that do not embrace this legislation. The carriers and the flight attendants have dealt effectively with the issues of flight limitations and rest requirements for sixty years - and they should be free to continue this process unencumbered by federal regulation.

STATEMENT
OF
NANCY BALDWIN
FLIGHT ATTENDANT - DELTA AIR LINES

BEFORE THE
HOUSE AVIATION SUBCOMMITTEE
OF THE
PUBLIC WORKS & TRANSPORTATION COMMITTEE

ON

"FLIGHT ATTENDANT DUTY TIME ACT"

May 17, 1989

May 17, 1989

I am Nancy Baldwin, a flight attendant for Delta Air Lines. I live in Miami, Florida at 8620 S. W. 161 Terrace. My domicile is Miami/Fort Lauderdale. I have been a flight attendant for Delta for twenty-three years. During my career, I was an In-Flight Supervisor from 1972 to 1973 and promoted to Supervisor, Flight Attendant Scheduling in late 1973. I returned to active flight attendant status in 1978 and was elected to the Flight Attendant Scheduling Committee in 1980. I am currently the Chairperson for the Miami/Fort Lauderdale Flight Attendant Scheduling Committee. It is my extensive background in scheduling and as an active flight attendant that motivates my appearance at these hearings.

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to appear today to express on behalf of Delta's 12,000 flight attendants a number of concerns relative to H.R. 638. While this statement represents my own views, Delta has reviewed my testimony and supports the positions reflected therein. I am here today because of my strong belief that federal regulation of our profession's flight and duty time is unnecessary and contrary to the best interests of working flight attendants.

My concern is the impact H.R. 638 will have on Delta flight attendants' work schedules. Enactment of this legislation will severely restrict our scheduling flexibility and reduce the employee's ability to establish a work and time off schedule that optimizes the objectives of the individual.

The principal responsibility of a flight attendant is to assure the safety and well being of the passengers. Besides an initial, extensive thirty-day instruction and training period, all Delta flight attendants are recurrently trained each year in safety procedures. I would not be here today if I felt that the existing work environment at Delta compromised my responsibilities as a safety professional.

As part of our training, we are intensively drilled in how to rapidly react to an emergency. In the unlikely event that an emergency occurs, our extensive training assures spontaneity, and a reaction which, I believe, will overcome any possible effects of fatigue. To my knowledge, there has not been any documented evidence that our fatigue while carrying out our flight attendant safety related duties creates a risk or jeopardizes the safety of our passengers.

The profile of a flight attendant has drastically evolved from young, single females to include males, mature females, and married persons with children. Thirty years ago, the average length of service was approximately eighteen months. Today the average exceeds ten years for most major carriers. It is important to remember that a primary factor for such longevity is our unique ability to schedule the time we work and the time we have off.

Like most other senior attendants, I pursued a flying career because of the flexibility and days off our monthly schedules afford. No matter what the personal reason, each flight attendant cherishes his/her (on an industry average) fifteen days a month work schedule. They also enjoy the flexibility, unique to our profession, to change their work schedule, lessen or augment their flight time and, in general, mold their work schedule around their individual life style.

As a flight attendant, I have enjoyed a career that has given me the flexibility to work on a full-time basis and to spend a considerable number of days at home each month to raise my sons. My children are teenagers now, and as a more senior flight attendant, I exercise my seniority to bid for less days away from home and to change my work days quite often to meet

my demanding home life. If H.R. 638 were to become law, or if a comparable regulatory scheme was imposed, my choices to arrange my work schedule would be greatly diminished.

This bill would increase my days on duty by raising the actual rest time and decreasing the actual duty time. I normally work two or three consecutive eleven hour duty days a week in order to be off duty for the remainder of the week. Of this amount of time, Delta's rules prohibit the scheduling of more than eight flight hours. However, my average actual flight time is between six and one-half and seven hours. If H.R. 638 were to become law, I would be forced to work an additional day each week without any commensurate increase in pay.

I am proud to say Delta's flight attendants have considerable input into the way our schedules are structured. We have a very active Flight Attendant Scheduling Committee. These elected representatives meet with management on a regular basis to review work schedules and policies. Input from these representatives is instrumental in the development of our attractive work environment.

Our common objective in schedule development is to achieve the most productive schedules which maximize our work and time off periods. Our route structure, levels of cabin service and the

number of flight segments are all considered in constructing a work environment which is favorable to the flight attendant. This process enables us to eliminate less desirable work patterns from the standpoint of productivity, customer service and basic economics. Much effort goes into constructing the "trip pairings," which are not only workable but also provide an environment for alert and top-notch flight attendant performance.

Safety, however, is never compromised for the sake of flight attendant productivity or, for that matter, corporate profits. While Delta's duty time limitations are less stringent than those proposed in H.R. 638, our rules establish scheduled limitations for flying in one duty period, a twenty-four hour period, a seven day period and a calendar month.

In addition, we have work rules governing our actual maximum duty time. We are not required to remain on duty over sixteen actual hours. This sixteen hours includes any scheduled rest, if such rest period is reduced to less than seven actual hours off duty. We also receive no less than fifteen hours free from duty upon return to domicile when we have flown over eight actual hours in a twenty-four hour period. These

maximum/minimum limitations are in no way excessive, nor have they ever diminished our performance or proficiency in an emergency situation.

The adoption of regulations consistent with H.R. 638 does not assure that flight attendants are adequately rested nor will they aid in the ability of the flight attendant to perform his/her duties proficiently. To suggest that the flight and duty time rules proscribed in H.R. 638 would alleviate flight attendant fatigue fails to recognize the nature of the job.

As long as I have been in this business, flight attendants never have agreed on what creates the most fatigue. It is an individual situation. However, I do know that H.R. 638 or comparable regulations would not eliminate it and that it will make my job less not more desirable.

I sincerely appreciate this opportunity to appear as a witness today, and I shall be glad to answer any questions you may have.

Statement of Tammye Lynette Walker
Flight Attendant Base Manager/Inflight Department, Houston
Southwest Airlines
Before the Aviation Subcommittee
Public Works and Transportation Committee
U.S. House of Representatives
May 17, 1989

I am Tammye Lynette Walker, I appreciate the opportunity to appear before this Committee today regarding H.R. 638.

As Base Manager, I am in charge of the Houston Base Flight Attendant operation, which has approximately 500 active flight attendants and 5 supervisor and administrative personnel. My responsibilities as Base Manager include overseeing the daily operation, monitoring quality control, conducting employee evaluation and enforcing/writing inflight policies and procedures.

Although I was initially hired at Southwest Airlines as a Flight Attendant Supervisor, a condition of employment was to fly as an active on-line flight attendant. Presently, I still maintain my qualifications and, on occasion, fly on-line as a flight attendant.

Prior to joining Southwest Airlines, my airline career began in 1983, with Muse Air, formerly TranStar Airlines, located, also, in Houston, Texas. I began at Muse Air as an on-line flight attendant. During my four years at Muse Air, I held several positions, including Flight Attendant Supervisor and Manager of Training and Recruitment; my last position was Director of Training and Procedures. As head of TranStar's Training Department, my primary responsibilities included coordinating and instructing Flight Attendant Initial, Recurrent and Security Training.

With all of my experience, knowledge and expertise gained throughout my six year airline career, I have traveled today from Houston, Texas, as a qualified witness on behalf of Southwest Airlines to impress upon you the important fact that H.R. 638 is unnecessary legislation, which addresses a problem that not only does not exist at Southwest Airlines; but also, disrupts flight attendant scheduling in such a way that my colleagues at Southwest Airlines will be forced to make quality of life changes, which are strongly opposed.

Please allow me to elaborate.

At Southwest Airlines, our flight attendants are the most productive flight attendant work force in the way that we pay and fly our people. In spite of our high productivity, we do not have a problem with duty limits/rest requirements. This is due to our contractual agreement with set requirements to ensure that a problem does not exist.

As stated in Southwest Airlines/Transport Workers Union Agreement, Article 8, Section 5, Pages 11 and 12:

"Duty Limits

A flight attendant cannot be 'scheduled' for more than a 10-1/2 hour duty day nor be required to remain on duty in excess of 12-1/2 hours. In the event of an irregular operation, a flight attendant will be required to remain on her/his sequence until the aircraft returns to the home domicile even if doing so requires the flight attendant to exceed his/her maximum duty hours."

Legislating duty time limits and rest requirements, which our contracts with Southwest Airlines already contain, has no impact on passenger safety. As stated in Article 8, Section 7, Page 12 of the Southwest Airlines/Transport Workers Union Agreement:

"Flight attendants must have 10 hours crew rest block to block. Seven hours block to block may be scheduled when no more than two flights are scheduled following the rest period."

Furthermore, I understand there is no empirical evidence or past accident analysis that flight attendant fatigue has any negative impact on passenger safety.

As I stated earlier, I, too, fly as an active flight attendant and maintain current qualifications. Throughout my 6 year career, I have flown in excess of 2,000 hours and have incurred irregular operations, which exceeded established duty limits. I can personally testify that I have never suffered fatigue which has affected passenger safety. I have also discussed this issue with numerous flight attendants in our work force, and the overall consensus verifies my personal experience.

At Southwest Airlines, a serious disruption to flight attendant scheduling will occur if duty time limits and rest requirements are legislated rather than allowing individual carriers to set guidelines. Again, this is unnecessary legislation addressing an issue that does not present a problem at Southwest Airlines.

Under the current scheduling system and work rules, Southwest's flight attendants treasure the right to concentrate their flying so as to meet monthly obligations in as few days as possible, thereby, increasing the number of free days per month. Flexibility in scheduling is a very important element for Southwest Airlines' flight attendants. Flight attendants of all seniorities are allowed to "bunch" their flying to accommodate their life styles. Our work force consists of flight attendants that schedule activities on their off days. These activities include attending school (graduate and undergraduate), participating in second careers (theatre, arts/crafts, modeling, etc.), as well as accommodating their child care needs. At least 10 percent of our flight attendant work force needs the flexibility to accommodate their families. I, too, appreciated the flexibility in arranging my monthly schedule to allow free time to travel and indulge in extracurricular activities.

In closing, I'd like to stress to you that flight attendants, in general, work hard and bargain hard for the right to schedule trips so as to maximize time at home with family and friends. By legislating duty time limits and rest requirements, this will seriously disrupt flight attendant scheduling.

Again, I have come before you today from Houston, Texas, on behalf of Southwest Airlines to stress to you that H.R. 638 is unnecessary legislation that addresses a problem that does not exist and one which we at Southwest Airlines oppose.

Thank you. I'd be happy to answer any questions at this time.

RAA Regional Airline Association • 1101 Connecticut Avenue, NW • Suite 700 • Washington, DC 20036 • 202-857-1170 • FAX 202-857-1178

STATEMENT OF

DEBORAH C. MCELROY
VICE PRESIDENT

REGIONAL AIRLINE ASSOCIATION

BEFORE THE

HOUSE COMMITTEE ON PUBLIC
WORKS AND TRANSPORTATION

SUBCOMMITTEE ON AVIATION

REGARDING HR 638

MAY 17, 1989
WASHINGTON, DC

I am Deborah McElroy, Vice President, Regional Airline Association. Joining me today is Laura Frost, a flight attendant at Horizon Air, the nation's seventh largest regional airline, based in Seattle, Washington. On behalf of RAA's 75 member air carriers, I appreciate the opportunity to present the perspectives of the regional airline industry on HR 638.

Regional airlines provide safe, efficient air transportation connecting the nation's smaller cities to the major hub airports. The industry carried over 35 million people last year and Horizon Air transported 1.4 million of these passengers. Our members operate approximately 1800 aircraft, the majority of which are propeller-powered airplanes with fewer than 60 passengers. Some carriers, however, also fly small jets in the 100 passenger range.

There are approximately 2500 flight attendants in the regional airline industry, according to RAA data. Flight attendants, as you know, are only required on aircraft with 20 or more seats. Consequently, flight attendants are employed on 27 percent of the aircraft operated by the industry. Regional airline flight attendants, like those of the major airlines, are dedicated safety professionals. We recognize and appreciate the critical role these men and women play in the safe transportation of our passengers.

RAA is opposed to HR 638 because we do not believe there is a legitiment safety reason for Congress to interfere with the contractual relationship between flight attendants and air carriers. The Federal Aviation Administration already has the authority, in the interest of safety, to set reasonable rules governing the maximum hours of service for employees of air carriers. However, less than 3 months ago former FAA Administrator McArtor issued a denial of flight attendant unions' petitions requesting a rulemaking on this issue. He stated that there was no evidence that flight attendant duty time limitations would advance passenger safety. It clearly seems unreasonable for Congress to mandate regulations that were deemed unnecessary by the agency charged with ensuring the safety of the traveling public.

This bill would require a Department of Transportation rulemaking to set flight and duty time limits, including minimum rest periods. However, if DOT fails to initiate a rulemaking within 60 days of the bill's passage, or does not issue final regulations 240 days after enactment, the legislation specifies its own duty limitations and mandatory rest periods. For regional airline flight attendants this would basically set a maximum of 14 hours of actual duty time and a minimum consecutive rest period of at least 10 hours following each duty period. DOT could only modify the limits set in this bill if such changes

"are in the interest of safety." Any modifications would not be effective until the Senate Commerce and House Public Works Committees had 90 days to review them.

Those favoring this legislation make the argument that duty limits are necessary because similar regulations exist for flight crew members. We do not believe this proposition is valid. Pilots are in control of an aircraft's critical flight systems. Their duty time rules were established to address a clear safety concern. Unlike the situation on the flight deck, failure to effectively perform routine flight attendant safety duties does not cause accidents nor does it, in itself, put passengers in life threatening situations. Additionally, the flight time limitations for a flight attendant domestic trip, specified as a maximum of 14 hours of actual duty time in the bill, are more restrictive than the 16 hours limit for pilots. There is no rational basis for this proposed requirement.

Regional airlines work hard to ensure the safe transportation of our passengers. This legislation, we believe, is not safety driven but is an example of economic regulation attempting to ride the coatails of the public's interest in aviation safety. Unwarranted federal intervention in this area places limitations on the bargaining power of both labor and management, and may ultimately reduce the schedule flexibility enjoyed by many flight attendants in the regional airline industry. They may now be

forced to work more days, with fewer hours per day, to retain their current salary. It is our understanding that this legislation is not supported by many flight attendants in the industry because of the poosible loss of scheduling options.

Many regional carriers have more restrictive work rules than those contained in the bill, whether or not the workforce is unionized. In fact, a recently concluded AFA labor agreement included a maximum limit of 12 hours per day for flight attendants. Currently over 40 percent of the industry's flight attendant workforce is represented by a labor union. Smaller regional airlines that do not have collective bargaining agreements must compete for employees in the marketplace, effectively forcing these carriers to implement competitive work rules. Thus, the regional airline industry sees no justification for this legislation.

I thank you very much for your attention and both Ms. Frost and myself would be happy to answer any questions the panel might have.

Mr. OBERSTAR. The Subcommittee stands adjourned.

[Whereupon, at 5:40 p.m., the Subcommittee adjourned, subject to the call of the Chair.]

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